

**CITY OF ROCHESTER
COUNCIL AGENDA
COUNCIL/BOARD CHAMBERS
GOVERNMENT CENTER
151 4TH STREET SE**

**MEETING NO. 1
ANNUAL MEETING**

**MONDAY, JANUARY 6, 2003
7:00 P.M.**

PAGE

- | | | | |
|-------|-----------|---|-----------------------|
| 1-2 | A) | OPEN COMMENT PERIOD | -- NONE -- |
| | B) | CALL TO ORDER | |
| | | OATH OF OFFICE | |
| | C) | LETTERS AND PETITIONS | |
| 3-4 | D) | ORGANIZATIONAL BUSINESS | |
| | 1) | Address by President Hunziker | -- APPROVED -- |
| | 2) | Request a Motion Adopting the Following Prepared Resolutions | -- APPROVED -- |
| | 3) | Appointment to Committees by President Hunziker | |
| | 4) | Address by Mayor Brede | |
| | 5) | Designation of Official Paper | -- APPROVED -- |
| 5-6 | 6) | Banking Item | -- APPROVED -- |
| | 7) | Goodbye from David Senjem | |
| 7-8 | D) | CONSENT AGENDA | |
| | 7) | Approval of Minutes | -- APPROVED -- |
| 9-10 | 8) | 2003 Annual Compensation for the Mayor and City Council | -- APPROVED -- |
| 11-12 | 9) | 2003 Mileage Reimbursement for the Mayor and City Council | -- APPROVED -- |
| 13-20 | 10) | Request for Funding / Olmsted County Historical Society | -- APPROVED -- |
| 21-24 | 11) | Request for Funding / R.A.D.A.R. | -- APPROVED -- |
| 25-26 | 12) | Request by Rochester Title 7 Escrow to Release an Open Space Covenant on a Part of Lots 1 & 2, Resubdivision of Outlot 25, Northern Addition. | -- APPROVED -- |
| 27-30 | 13) | PossAbilities of Southern Minnesota – Skyway Golf Classic | -- APPROVED -- |

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|-------|-----|--|
| 31-32 | 14) | Exclusive (Street Bar) and Sunday License for Beer-n-Burgers, Inc., DBA "The Moose" Bar & Grill -- APPROVED -- |
| 33-34 | 15) | Licenses, Bonds & Miscellaneous Activities
-- APPROVED -- |
| 35-36 | 16) | Approval of Accounts Payable -- APPROVED -- |
| 37-38 | 17) | Cooperative Construction Agreement #83797: Reconstruction of TH 52 East Frontage Road (J9824) -- APPROVED -- |
| 39-40 | 18) | Advertise for Bids: Traffic Signal on Country Club Road SW at new Fire Station #3 J6316 -- APPROVED -- |
| 41-42 | 19) | Bus Passenger Shelter Property Lease/Minnesota Department of Natural Resources -- APPROVED -- |
| 43-44 | 20) | Purchase of Buses / FTA Project #MN-03-0081, MN-90-X166 (City Project J2091) / Amendment to MN-90-X166
-- APPROVED -- |
| 45-46 | 21) | Pedestrian Facilities Agreement – Mayo Clinic Rochester (p/o Lot 2, Block 1, L.C. Industrial Park Subdivision) -- APPROVED -- |
| 47-48 | 22) | Stormwater Management Agreements -- APPROVED -- |
| 49-50 | 23) | Pedestrian Facilities Agreement – IRET Properties, a North Dakota Limited Partnership (Lot 1, Block 2, Trailridge@ 41 st by IRET, Olmsted County, Minnesota) -- APPROVED -- |
| 51-52 | 24) | Pedestrian Facilities Agreement – Todd & Jennifer Robertson (Lot 1, Block 1, Garden Acres First Replat, Olmsted County, Minnesota)
-- APPROVED -- |
| 53-54 | 25) | Pedestrian Facilities Agreement – Rochester Tire & Auto Sales (p/o SW 1/4 , SE ¼, Section 27, Township 107 North, Range 14 West, Olmsted County, Minnesota). -- APPROVED -- |
| 55-72 | 26) | Consideration of Public Utility Board Action
-- APPROVED -- |

E) HEARINGS

- | | | |
|---------|----|---|
| 73-104 | 1) | Continued Hearing on Type III, Phase II Restrictive Development #02-54 Preliminary Plan by Paul Myrhom located at 2311 South Broadway. -- DENIED -- |
| 105-118 | 2) | Zoning District Amendment #02-13 by Kendal Group located east of North Broadway and south of Rocky Creek Drive NE and north and west of 26th Street NE -- APPROVED -- |
| 119-146 | 3) | General Development Plan #193 to be known as Rocky Creek Townhomes by Kendal Group and Variance #02-40 -- GDP, APPROVED; VARIANCE BACK TO COUNCIL ON JANUARY 22 -- |
| 147-154 | 4) | Final Plat #02-61 to be known as Garden Acres First Replat by Todd Robertson -- APPROVED -- |

- 155-164 5) Final Plat #02-63 to be known as 19th Street Business Park by 19th Street Business Park, LLC -- **APPROVED** --
- 165-168 6) Vacation Petition #02-19, by Darwin Friedrich to vacate ten feet of a utility easement located along the south side of 43rd Street NW, west of 18th Avenue NW and east of 42nd Street NW
-- **APPROVED** --
- 169-180 7) Annexation Petition #02-24 by Bamber Valley Development, LLC located along the north side of Salem Road SW and along the east side of Westhill Drive SW. -- **APPROVED** --
- 181-186 8) Consider the Making of Local Improvement Project No. 6215-3-02 (J-7218) "Curb, Gutter & Overlay on 15th Street SE from 6th Avenue to 10th Avenue SE". -- **APPROVED** --
- 187-192 9) Consider the Proposed Assessment for Project No. 6215-3-02 (j-7218) "Curb, Gutter & Overlay on 15th Street SE from 6th Avenue to 10th Avenue SE". -- **APPROVED** --

F) REPORTS AND RECOMMENDATIONS

G) RESOLUTIONS AND ORDINANCES
193-194

H) TABLED ITEMS

I) OTHER BUSINESS
195-196 1) Appointment to 6th Ward Councilmember Vacancy -- **DAVID BENDA WAS APPOINTED** --

J) ADJOURNMENT

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/6/03

AGENDA SECTION:
OPEN COMMENT PERIOD**ORIGINATING DEPT:**
CITY ADMINISTRATOR**ITEM NO.**
A**ITEM DESCRIPTION:** OPEN COMMENT PERIOD**PREPARED BY:**
S. KVENVOLD

This agenda section is primarily for the purpose of allowing citizens to address the City Council on a topic of their choice. The following guidelines apply:

- This section of the agenda may not be used as a forum to continue discussion on an agenda item which has already been held as a public hearing.
- This agenda section is limited to 15 minutes and each speaker is limited to 4 minutes.
- Any speakers not having the opportunity to be heard will be first to present at the next Council meeting.
- Citizens may only use this forum to address the Council on a maximum of one time per month.
- Matters currently under negotiation, litigation or related to personnel will not be discussed in this forum.
- Questions posed by a speaker will generally be responded to in writing.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/6/03

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AGENDA SECTION: ORGANIZATIONAL BUSINESS	ORIGINATING DEPT: ADMINISTRATION	ITEM NO. D-1-5
ITEM DESCRIPTION: ORGANIZATIONAL BUSINESS FOR 2003 ANNUAL MEETING		PREPARED BY: L. Mullenbach

Following are the Council Organizational Business items which are normally handled at the Annual Council Meeting:

D-1 Address by President Hunziker

D-2 Request a motion adopting the following prepared resolutions:

- a) Resolution adopting the Roberts Rules of Order for the conduct of business by the Council;
- b) Resolution adopting the Rules and Regulations for Order of Business of the Council;
- c) Resolution establishing committees of the Common Council, prescribing their functions and duties, and providing appointment to members of subcommittees;
- d) Resolution adopting the order of succession to discharge the duties of the Councilmember-At-Large in the event of absence or disability.

D-3 Appointment to Committees by President Hunziker

D-4 Address by Mayor Brede

D-5 Designation of Official Paper

Request a motion designating the Rochester Post-Bulletin as the official newspaper to publish the official printing and advertising of the City of Rochester for the official year commencing January 6, 2003, at the rate established by the statutes of the State of Minnesota for legal publications.

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REQUEST FOR COUNCIL ACTION

Meeting **5**Date: 1/6/2003

AGENDA SECTION: Consent Agenda/Organizational Business	ORIGINATING DEPT: Finance	ITEM NO. D-6
ITEM DESCRIPTION: Banking Item		PREPARED BY: Bruce Atkinson
<p>A. Designation of Depositories:</p> <p>This is a statutory requirement (MN Statute 118A.02) that must be accomplished at the beginning of each fiscal year. The proposed resolutions designate US Bank Rochester and Wells Fargo Bank Rochester, as depositories of the public funds of the City of Rochester, Minnesota.</p> <p>While not depositories, the City maintains accounts with Merrill Lynch, Pierce, Fenner and Smith, Ltd., Inc., RBC Dain Rauscher, Inc., Wells Fargo Investment Services, Inc., US Bank Piper Jaffray, Morgan Stanley Dean Witter, Inc., RW Baird Inc., and Legg Mason, for the purpose of investing in direct U.S. Government obligations or Federal Agency issues, commercial paper, banker's acceptances, and repurchase agreements or other investments authorized by the City's investment policy.</p> <p>B. Authorizing facsimile signatures and authority to initiate investments.</p> <p>Checks written against the City's General Account and Payroll Account at Wells Fargo Bank Rochester, and Rochester Public Utilities' account will bear facsimile signatures. The use of the signatures must be authorized through resolution by the Common Council. The transactions are covered by a forgery bond.</p> <p>Authority to initiate investments allowed under Minnesota Statutes 118A.01-118A.06, must also be adopted.</p> <p>C. Assignment of Securities:</p> <p>Sufficient securities have been pledged as collateral in lieu of a depository bond by Wells Fargo Bank Rochester and US Bank Rochester, to meet the requirements of Minnesota statutes.</p> <p>The prepared resolutions authorize the City Treasurer, or assign, to execute documents which pledge and release securities as collateral, and to accept collateral in lieu of a depository bond.</p>		
<p><u>Council Action Requested</u> Respectfully request adoption of the prepared resolutions.</p>		

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/6/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO. D-7-26
ITEM DESCRIPTION: APPROVAL OF CONSENT AGENDA ITEMS		PREPARED BY: G. NEUMANN

This RCA lists all the items which have been included in the consent agenda for this meeting. The Council can approve all of the items with a single motion to approve. The Council President will allow the Councilmembers an opportunity to state whether there are any of these items which you wish to have removed from the consent agenda approval and to have them discussed and acted upon separately by the Council.

The consent agenda for this meeting consists of the following RCAs:

- 7) Approval of Minutes
- 8) 2003 Annual Compensation for the Mayor and City Council
- 9) 2003 Mileage Reimbursement for the Mayor and City Council
- 10) Request for Funding / Olmsted County Historical Society
- 11) Request for Funding / R.A.D.A.R.
- 12) Request by Rochester Title 7 Escrow to Release an Open Space Covenant on a Part of Lots 1 & 2, Resubdivision of Outlot 25, Northern Addition.
- 13) Possibilities of Southern Minnesota – Skyway Golf Classic
- 14) Exclusive (Street Bar) and Sunday License for Beer-n-Burgers, Inc., DBA "The Moose" Bar & Grill
- 15) Licenses, Bonds & Miscellaneous Activities
- 16) Approval of Accounts Payable
- 17) Cooperative Construction Agreement #83797: Reconstruction of TH 52 East Frontage Road (J9824)
- 18) Advertise for Bids: Traffic Signal on Country Club Road SW at new Fire Station #3 J6316
- 19) Bus Passenger Shelter Property Lease/Minnesota Department of Natural Resources
- 20) Purchase of Buses / FTA Project #MN-03-0081, MN-90-X166 (City Project J2091) / Amendment to MN-90-X166
- 21) Pedestrian Facilities Agreement – Mayo Clinic Rochester (p/o Lot 2, Block 1, L.C. Industrial Park Subdivision)
- 22) Stormwater Management Agreements
- 23) Pedestrian Facilities Agreement – IRET Properties, a North Dakota Limited Partnership (Lot 1, Block 2, Trailridge@ 41st by IRET, Olmsted County, Minnesota)
- 24) Pedestrian Facilities Agreement – Todd & Jennifer Robertson (Lot 1, Block 1, Garden Acres First Replat, Olmsted County, Minnesota)
- 25) Pedestrian Facilities Agreement – Rochester Tire & Auto Sales (p/o SW 1/4 , SE 1/4, Section 27, Township 107 North, Range 14 West, Olmsted County, Minnesota).
- 26) Consideration of Public Utility Board Action

COUNCIL ACTION REQUESTED:

Motion to approve consent agenda items

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/6/03

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AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

ADMINISTRATION

ITEM NO.

D-8

DESCRIPTION: 2003 ANNUAL COMPENSATION FOR THE MAYOR AND CITY COUNCIL**PREPARED BY:**
S. KVENVOLD

The adopted 2003 budget anticipated an increase of the elected officials' compensation of 3%. This mirrors the increase granted to the organizations appointed employees. The annual compensation for the Mayor, Council President and Councilmembers will be as follows for 2003:

Mayor	\$29,708
Council President	21,889
Councilmembers	17,130

COUNCIL ACTION REQUESTED:

Request a motion directing the City Attorney to prepare an ordinance establishing the Mayor and City Councils' 2003 compensation.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 01/06/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: ADMINISTRATION	ITEM NO. D-9
ITEM DESCRIPTION: 2003 MILEAGE REIMBURSEMENT FOR THE MAYOR AND CITY COUNCIL		PREPARED BY: S. KVENVOLD

The Mayor and City Council members receive a monthly mileage reimbursement for their local mileage. It is recommended that the mileage reimbursement be increased by \$5 per month for 2003.

	<u>Current Reimbursement</u>	<u>Proposed Reimbursement</u>
Mayor	\$155/month	\$160/month
Council President	\$105/month	\$110/month
Councilmembers	\$ 90/month	\$ 95/month

COUNCIL ACTION REQUESTED:

Request a motion establishing the monthly mileage reimbursement for the Mayor, City Council President and Councilmembers as proposed.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

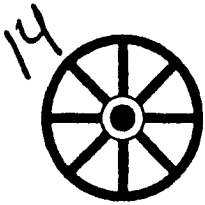
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REQUEST FOR COUNCIL ACTION

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MEETING

DATE: 1/6/03

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Administration	ITEM NO. D-10
ITEM DESCRIPTION: Request for Funding / Olmsted County Historical Society		PREPARED BY: S. Kvenvold
<p>The Olmsted County Historical Society is requesting \$30,000 from the City of Rochester to assist in funding some of the activities and functions undertaken by the Society (see attached).</p> <p>If approved, the funding should be appropriated from the 2002 Contingency Account.</p> <p><u>COUNCIL ACTION REQUESTED:</u></p> <p>Request a motion appropriating \$30,000 from the 2002 Contingency Account for the Olmsted County Historical Society.</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		



OLMSTED COUNTY HISTORICAL SOCIETY

January 3, 2003

Al Schafer, President Dear Members of the Rochester City Council;

**Mary Jane Schmitt,
V-P**

**Marvin Berreth,
Treasurer**

**Jean Williams,
Secretary**

Alan Calavano

Kay Caskey

Hal Henderson

Roland Hirman

Paul Julsrud

Terry Lee

Jean Michaels

Clark Nelson

David Pennington

Don Sudor

Jane Yunginger

**Executive Director
John Hunziker**

I am writing you with a somewhat unique request today, but first I want to thank you on behalf of the Olmsted County Historical Society (OCHS) Board of Directors and the people of Rochester and Olmsted County for your past generosity to the our organization. The continued quality and expansion of services, as well as the improvement of our facilities has been appreciated and noticed by everyone coming to the History Center.

We are projecting 2003 to be an extremely busy year for the Historical Society. In response to undertaking a large capital project at the 93 year-old Mayowood Mansion and increasing and improving educational programming to meet our community's thirst for history-based activities, the Historical Society must enlarge its staff. The role of the OCHS Educator has been expanded from a part-time to a full-time position and a full-time maintenance position will be advertised at the beginning of the year. The Historical Society has raised money and reallocated funds to pay for a portion of both of these positions. We are requesting an allocation of \$30,000 from the City of Rochester to match our funds and guarantee these much needed additions to the OCHS Staff.

The OCHS Board and staff are excited about the financial commitments we have secured for the lofty project of re-roofing the National Register listed Mayowood Mansion. In 1999, Inspec, Inc--a Minneapolis firm specializing in historic building preservation--prepared a scope of work for the project and estimated \$535,000 for a new roof. With inflation and contingency for unknowns, the final budget will reach approximately \$600,000.

While the Historical Society has raised the necessary funds to purchase supplies/ equipment and hire contractors, the project will require a significant amount of manpower from the OCHS Maintenance Department. Maintenance staff will need to empty the entire ballroom/attic of the Mansion before tearing off the roof, as well as secure artifacts throughout house. The OCHS Maintenance Supervisor will also need to be onsite daily to oversee the project. While all of this work is going on, the History Society will still be offering its regular programming. As a result, the Historical Society must hire a full-time maintenance person, at a competitive wage to support the Supervisor. (Please see the attached letter dated 25 July 2002 for wage information and note that the Historical Society received only \$15,000 of a requested \$66,000 additional appropriation.)

Due to the popularity of our youth programs, the Historical Society recently hired a full-time Educator. By expanding the position, the Educator will be able to energize current programming, foster more community partnerships, expand youth activities, develop historical educational tools for off-site instruction, and create special events

that will distinctively utilize the historic facilities owned by the Historical Society. It should be noted that the last two Educators strongly recommend changing the role from part-time to full-time to properly meet the demands of the position.

We hope you will look favorably on this funding request. To help substantiate this request, I am also enclosing a copy of the original budget request to the County and information from the Minnesota Historical Society on 37 cities that fund historical societies or museums throughout the state. Please note that all of the listed cities have smaller populations than Rochester. The per capita amounts they give are in the last column.

Thank you in advance for taking the time to read through this information. We believe that the Historical Society offers unduplicated services to the 89,000 citizens of Rochester and the 36,000 County citizens outside the city limits. We share the same goal of improving the social well-being of area residents.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Schafer", with a long horizontal flourish extending to the right.

Al Schafer
President, Board of Directors
Olmsted County Historical Society

AS/bb
Enclosures

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July 25, 2002

Olmsted County Finance Department
Christine Simonson
151 Fourth Street SE, Suite 2205
Rochester, MN 55904

Dear Ms. Simonson,

The Olmsted County Historical Society should have a working Geo-thermal heating, ventilating, air-conditioning and humidity control system up and running by the middle of August. The Society had applied for a DEED grant last year to help with the funding. That grant did not materialize so we proceeded to find partners to make it happen. We were pleased that the Olmsted County Board, the Rochester City Council, Rochester Public Utilities, the engineering firm of TSP Inc. and the Minnesota Historical Society all pitched in to make the project a reality.

Educational programming is reaching out to 6,000 children from Olmsted County and the surrounding area. We offer classes to 2nd, 3rd and 6th graders. We are planning on expanding our Rendezvous into a Hands-On-History Days to further engage the students in history. We are also going to have the tractor exhibit from the Owatonna Heritage Halls Museum installed at the History Center in time for Days of Yesteryear, August 10th and 11th.

Two large grant funded studies are concluding. We have a Cultural Landscape Report studying the landscape features at Mayowood in a final draft form that will be going to the printer within the month. We also have the final draft of the Historic Structures Report of the George Stoppel Farm being reviewed.

The County Board made a significant investment in the Society in the year 2001 and gave us a very healthy increase in 2002. I believe your investment paid off. The community is beginning to pay attention to us and seem to be pleased with our progress. We are still playing catch-up from cuts that were made in 1992. The Society was averaging 5% increase at that time. The requested appropriation would restore us to that level.

We are requesting that our base appropriation be increased to \$319,000 from Olmsted County. This equates to approximately \$2.57 per Olmsted County citizen per year using the 2000 population figure of 124,277. This new base of \$319,000 is what we would be at if we had continued with the average 5% increase since 1983. I believe that with our base at \$319,000 we can get by with smaller percentage increases in future years. Our grant writer and I have succeeded in matching the monies you have appropriated to the Society with other public, private

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and grant money and will continue to do so in the future.

Our biggest concern is that while we can raise money for capital improvement projects and for new exhibits we find that funders are not interested in funding operational money for people. We have had a position open for a grounds maintenance person for five months as we can only pay \$8.90 per hour and the local gas stations are advertising to hire attendants for \$11.50 per hour. Five of my eight staff make less than \$12.00 per hour, three more make less than \$14.00 per hour. Seven positions that are part time or seasonal are at less than \$8.50 per hour. You know better than I that finding qualified workers in Rochester, particularly people having access to our historical collections and Mayowood, at these hourly rates is not possible. The lowest hourly wages paid by the County range from \$10.46 to \$12.09. The majority of the increase in the County appropriation would be used to get us to a competitive wage standing with the rest of the people competing for workers in Rochester.

We have been able to make progress with outside funders in all areas except salaries. In fact without your past two years help our salaries would be much worse.

The Society needs your assistance in continuing our progress in making the History Center what people want it to be, a relevant Olmsted County cultural resource. To do this we need to have more operating funds so we are able to take money raised in membership, fund-raising, grants, and fees and put it back into programing, exhibits, and upgrading our educational buildings. This will give us the opportunity to leverage other money from throughout the community.

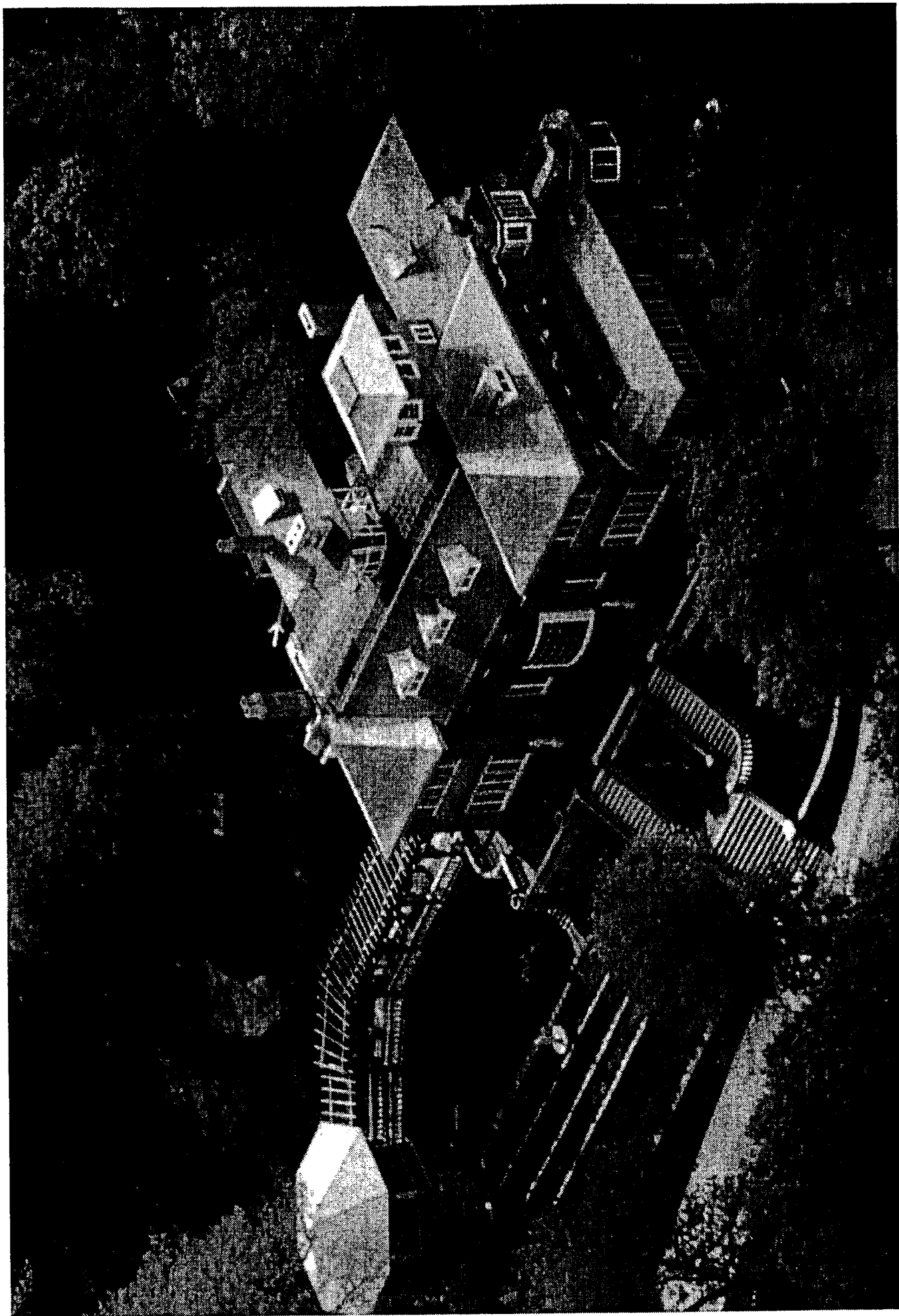
In closing I want to thank you for the time, effort and commitment you put forth working for the people of Olmsted County.

Sincerely,

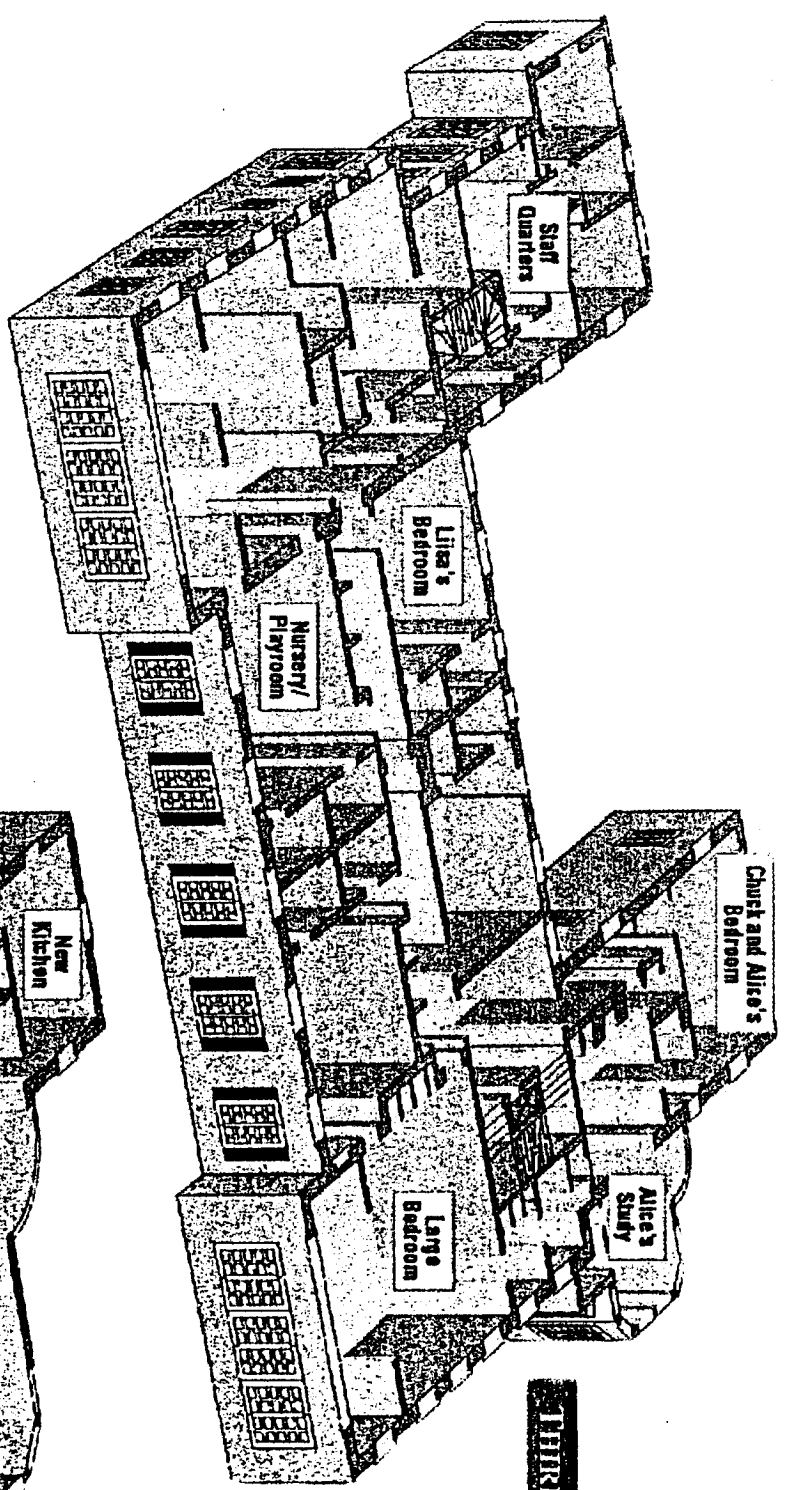
John Hunziker
Executive Director

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Cities Appropriating to Historical Societies in Minnesota			
Organization and City	Amount received	Population	Per capita
Benton County Historical Society (Sauk Rapids)	\$5,000	10,826	\$0.46
Brown County Historical Society (New Ulm)	\$10,000	13,547	\$0.74
Crow Wing County Historical Society (Brainerd)	\$100-500 several cities	13,547	
Faribault County Historical Society (Blue Earth)	\$600	3,587	\$0.18
Freeborn County Historical Society (Albert Lea)	\$10,000	18,364	\$0.54
Goodhue County Historical Society (Red Wing)	\$15,000	16,211	\$0.93
Itasca County Historical Society (Grand Rapids)	\$15,000	7,824	\$1.92
Kanabec County Historical Society (Mora)	\$6,000	3,235	\$1.85
Lac Qui Parle County Historical Society (Madison)	\$4,000	1,758	\$2.28
Lyon County Historical Society (Marshall)	\$12,500	12,828	\$0.97
Meeker County Historical Society (Litchfield)	\$10,000	6,577	\$1.52
Mille Lacs County Historical Society (Princeton)	\$1,250	4,014	\$0.31
Murray County Historical Society (Slayton)	\$2,000	2,073	\$0.96
Norman County Historical Society (Ada)	\$500	1,688	\$0.30
Otter Tail County Historical Society (Fergus Falls)	\$12,000	13,645	\$0.88
Pipestone County Historical Society (Pipestone)	\$15,000	4,406	\$3.40
Steele County Historical Society (Owatonna)	\$2,000	22,780	\$0.09
Wadena County Historical Society (Wadena)	\$1,000	4,251	\$0.24
Waseca County Historical Society (Waseca)	\$8,000	9,711	\$0.82
Winona County Historical Society (Winona)	\$17,500	27,100	\$0.65
Bay Area Historical Society (Silver Bay)	\$2,000	1,900	\$1.05
Brown's Valley Historical Society (Brown's Valley)	\$600	800	\$0.75
Cokato Historical Society (Cokato)	\$58,500	2,200	\$26.60
Golden Valley Historical Society (Golden Valley)	\$10,000	21,000	\$0.48
Lake Benton Historical Society (Lake Benton)	\$7,500	700	\$10.71
Maplewood Area Historical Society (Maplewood)	\$2,000	31,000	\$0.06
Melrose Area Historical Society (Melrose)	\$5,000	2,600	\$1.92
Minnesota Lake Area Historical Society (Mn.Lake)	\$2,500	700	\$3.57
North St.Paul Historical Society	\$2,500	12,400	\$0.20
Rockford Area Historical Society (Rockford)	\$13,398	2,700	\$4.96
Sleepy Eye Area Historical Society (Sleepy Eye)	\$3,000	3,700	\$0.81
Spring Valley Community Historical Society	\$10,000	2,500	\$4.00
Waconia Heritage Association (Waconia)	\$2,000	3,500	\$0.57
Wanda Gag House Assoc. (New Ulm)	\$5,000	13,100	\$0.38
Western hennepin County Pioneers (Long Lake)	\$500	2,000	\$0.25
Wheels Across the Prairie Museum (Tracy)	\$1,000	2,100	\$0.48
Winnebago Area Museum	\$2,000	1,600	\$1.25



THIRD FLOOR



SECOND FLOOR

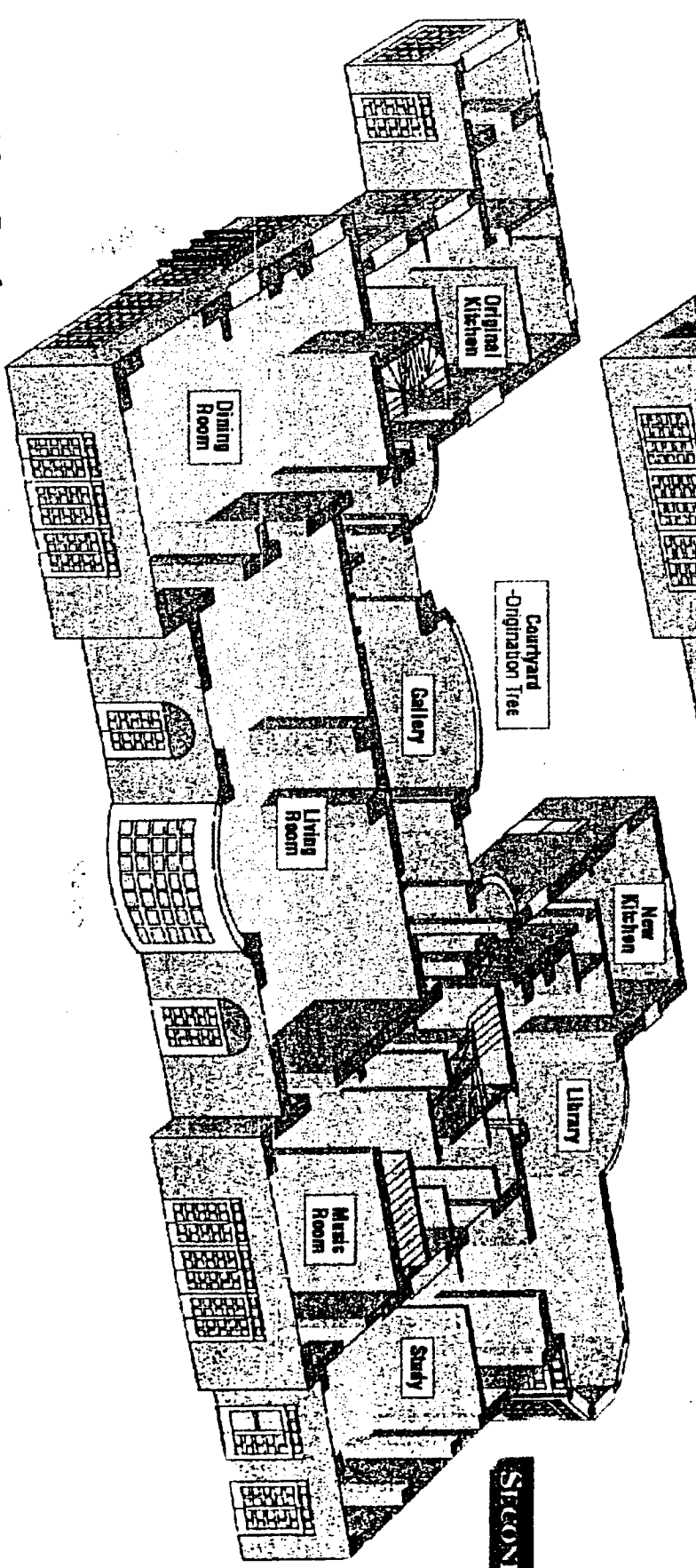


Figure 11 - Rochester
Post Bulletin Graphic - 1998

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 1/6/03

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AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Administration	ITEM NO. D-11
ITEM DESCRIPTION: Request for Funding / R.A.D.A.R.		PREPARED BY: S. Kvenvold
<p>R.A.D.A.R. is requesting \$1,200 in funding for their third annual 9-Ball Classic at the Civic Center (see attached). The requested funding would offset the room rental rates to be paid to the Civic Center.</p> <p>The City provided funding in 2002.</p> <p><u>COUNCIL ACTION REQUESTED:</u></p> <p>Request a motion appropriating \$1,200 from the 2003 Contingency Account for the R.A.D.A.R. 9-Ball Classic.</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

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R.A.D.A.R.

539 North Broadway Avenue, #117

Rochester, MN 55906-3601

507/280-6995 Voice / TDD 507/292-8798 Fax

E-mail address: radarsports@aol.com

Mr. Walter Stoubaugh
Rochester City Council Member
1415 Damon Ct. S E
Rochester, MN 55906

November 25, 2002

Greetings:

Many things continue to happen with RADAR and its many programs. January of this year, RADAR hosted its Third Annual RADAR 9-Ball Classic at the Mayo Civic Center here in Rochester. The RADAR 9-Ball Classic Tournament is sanctioned through the National Wheelchair Poolplayer's Association.

I would like to relay a short story about one player in the 2001 tournament from Rochester. He came on Friday to the workshop to learn about 9-Ball, new skills and general play. After a bit of instruction and meeting with a couple of the National Wheelchair 9-Ball Team members, he started working on his skills, techniques, and practicing the pointers that were given him. This individual stayed at the site, practicing on his own and playing in a few matches against others until the room closed for the night. The next morning he arrived at registration and registered to become a member of the Association and to play in the tournament. This individual had not played mush pool since his accident several years earlier, especially not competitively, so this was a large step for him. All the seasoned players were very helpful and assisted him through out the tournament. Out of the 26 registered players, he placed in the 9-12 Tie bracket and went home with a \$125 prize check. The entry fee for the tournament is \$50 per person, so it was a considerable win. Not only did he go home with the prize check, but also with confidence in new skills, excitement, and a commitment to play in the 2002 tournament, with the hopes of finishing even higher in the brackets. This is an opportunity that he probably would have never had taken advantage of, if this tournament and workshop had not been held or available to him.

This tournament again brought together players from all across the country to play in the first tournament of the year. Twenty-six players were registered with twenty-four competing for a total of \$5,000 in prize money and trophies. Players came from as close as Rochester, Stewartville, & Winona; and as far away as Atlanta GA, Garden Grove & Grass Valley CA, and Tampa FL. Many came from the warmer climates to participate in this tournament held here in Rochester.

The best part of the tournament is that it gave individuals from the Midwest, including the individual that I spoke of earlier, an opportunity to play in a national tournament with out having to travel far. Many of the other tournaments are held on either cost, or in the southern part of the states, which entails much more travel. Several of the regional players, had been members of the NWSA for some time, but were unable to compete in any of the other tournaments, due to the travel distance and expense.

@ United Way Participating Agency
Leave a Legacy Greater Rochester Area – Supporting Agency

The RADAR 9-Ball Classic continues to be the first sanctioned tournament of the new year and has been designated as the first in a series of the three tournaments established as the "Triple Crown" of wheelchair pool tournaments. The designation of being one of the "Triple Crown" tournaments was given to three tournaments with a total of \$5,000 or more in prize money. This is quite an honor for a relatively new tournament.

Proudly, we write this to you today, to let you know that plans currently are being made for the 2003 tournament. Our goal is to have a full 32-player field for the main tournament. Again, as an added challenge, plans are to have several "mini-tournaments" that the players will be able to participate in when they are not playing in the other tournament. These "mini-tournaments" are open participation by anyone. These will be an additional way to raise funds for this event, but will also give the players and opportunity to be matched up with other players that they may not meet in the main tournament.

The successes of the past three tournaments were accomplished due to the wonderful support of the RADAR Board of Directors, and so many local groups and businesses, which supported them. We would like to take this time to thank you for your support of the past events and the opportunity to tell you the story of the local player who joined in at the last moment in the 2001 tournament. We would like to request your support to make this next tournament another success and to offer the same opportunity to others. Currently, there are several individuals already registered for the workshop and have been practicing and preparing to possibly be ready to participate.

Enclosed for you to review is a folder of information on the past three events, along with photographs. The past three years, the City of Rochester supported this opportunity and event, in the amount of the costs of the rental of the Ballroom at the Mayo Civic Center in the amount of \$1,260. For the 2003 event we are moving to the Radisson Plaza Hotel - Ballroom. This will assist in allowing players an opportunity to return to their rooms to rest or tend to other issues between rounds. We will be more consolidated. With the movement of the D&R tournament, we moved in an effort to attract more visibility for our players.

Please take a moment to consider the possibility of the City's continued support to assist in this opportunity. If you would be so kind, it would be greatly appreciated if you would take it to the City Council for discussion, review and our hopes, approval of support in the amount of the estimated room rental of \$1,200. Once a decision is made, a letter or some notice of approval / commitment would be greatly appreciated.

Please review the enclosed information and contact me with any questions, concerns, or to discuss your options for support of this event. Thank you for your time and consideration of your support for this tournament. We look forward to hearing from you in the near future.

Sincerely,


Loretta Verbout

RADAR Executive Director

Enclosure

24

REQUEST FOR COUNCIL ACTION

MEETING 25

DATE: 1/6/03

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: City Administration	ITEM NO. D-12
ITEM DESCRIPTION Request by Rochester Title 7 Escrow to release an open space covenant on a part of Lots 1&2, Resubdivision of Outlot 25, Northern Addition		PREPARED BY: T. Spaeth

The City has received a letter from Rochester Title on behalf of a potential buyer of the property on North Broadway that is the site of the former KFC Restaurant building.

The letter is requesting the City to release a covenant providing a 10 feet wide open space that was apparently necessary to meet the building code requirements for the construction of a restaurant facility at that location back in 1976.

In a conversation with Mr. Snyder, he has indicated that the potential buyer of the property intends to utilize the building on the property for an "Auto Zone" retail auto parts center.

Based upon this information, the attached memo from Ron Boose indicates that Building Safety would have no objection to release the covenant.

Council Action Requested:

Adopt resolution releasing covenant providing a 10 feet wide open space on Lots 1 & 2, Resubdivision of Outlot 25, Northern Addition.

Attachments:

1. December 19, 2002 memo from Ron Boose

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

26

City of Rochester
Building Safety Department

Memo

To: Terry Spaeth

From: Ron Boose RB

Date: December 19, 2002

Subject: Request for release of restrictive covenant on Lots 1 & 2,
Resubdivision of Outlot 25, Northern Addition

CC: David Goslee

I have researched the files of the two properties affected by this covenant to determine its original purpose and need for continuation. I have also reviewed a current survey of Lot 1 that was furnished by Rochester Title and Escrow. It appears that the covenant was originally established due to the proximity of the KFC building to the south property line of lot 1. That property line has since been relocated and both buildings, the former KFC building and the Ohly Law offices, are in compliance with the current building code with regard to setbacks from property lines. Therefore, I see no reason to retain this covenant for building code purposes.

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 1/06/03

27,

AGENDA SECTION: Consent	ORIGINATING DEPT: City Administration	ITEM NO. D-13
ITEM DESCRIPTION: PossAbilities of Southern Minnesota - Skyway Golf Classic		PREPARED BY: Doug Knott DK

Attached is a letter from PossAbilities of Southern Minnesota asking to use a portion of the skyway system on February 8, 2003 for a fund raising golf tournament. I believe that this is the seventh year for the tournament. I am not aware of any problems associated with previous tournaments and I recommend approval of the request subject to the conditions listed below.

Council Action Requested

Approve the request of PossAbilities of Southern Minnesota to hold a skyway golf tournament on February 8, 2003 subject to the following conditions:

- 1) They may use no more than 1/2 the width of the skyway bridge or corridor for the golf course. This will leave the remaining area open to public use.
- 2) They provide the City with a hold harmless agreement acceptable to the City Attorney and name the City as an additional insured on their insurance policy.
- 3) They have the permission of the property owners abutting the skyway segments to be used for the course.
- 4) They are responsible for clean up after the event.
- 5) The tournament will be limited to the locations identified in the 12/06/02 letter from PossAbilities.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

FAX**Date** 12/6/02**Number of pages including cover sheet** 2**TO:**

Doug Knott
Downtown Development

Phone**Fax Phone** 287-2979**CC:****FROM:**

Vicki Dearth

Marketing & Development
DirectorPossAbilities of Southern
Minnesota

1808 3rd Avenue SE

Rochester, MN 55904

Phone

507-287-7100

Fax Phone

507-281-6117

REMARKS:☐

Urgent

☒

For your review

☒

Reply ASAP

☐

Please Comment

We are in the planning stages for our 7th annual Skyway Golf Classic: A Benefit for PossAbilities of Southern Minnesota and request permission to use the skyway area that affects your building(s) as per the attached map.

Please sign below on the dotted line if you give permission for PossAbilities of Southern Minnesota to use the skyway for this golfing event to be held on Saturday, February 8, 2003.

Please fax back this form back to me as soon as possible. Thank you for your assistance in this matter.

Vicki Dearth

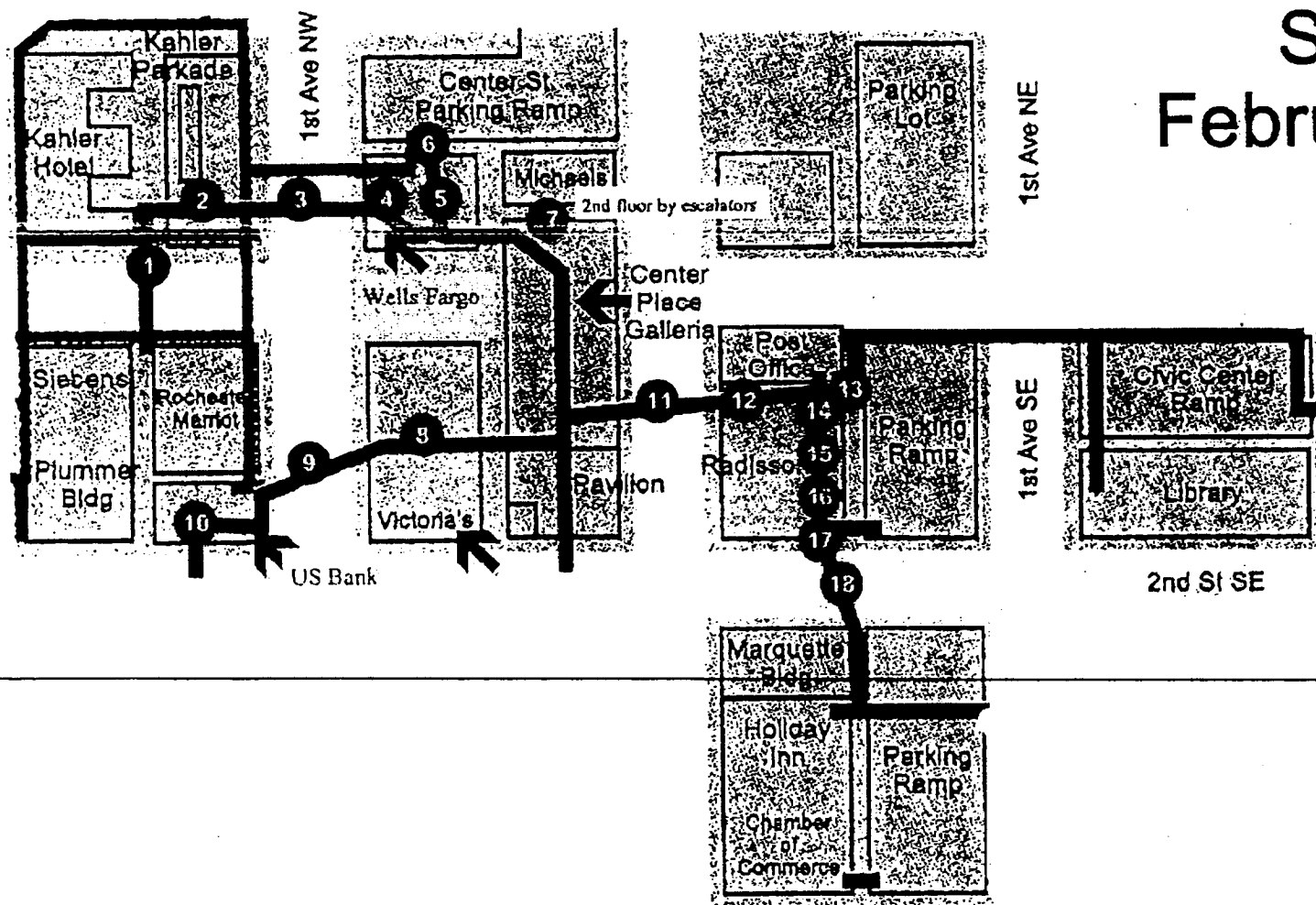
SKYWAY GOLF CLASSIC

a benefit

POSS^ABILITIES
OF SOUTHERN MINNESOTA

Registration on Third Floor of the Center Place Galleria

Saturday
February 8, 2003



30

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/6/03

31

AGENDA SECTION:
CONSENT AGENDAORIGINATING DEPT:
CITY CLERK

ITEM NO.

D-14

ITEM DESCRIPTION: **EXCLUSIVE (STREET BAR) AND SUNDAY LICENSE FOR
BEER-N-BURGERS, INC DBA "THE MOOSE" BAR & GRILL**PREPARED BY:
DONNA J SCHOTT

Application has been received from James Theros and Ricky Coshenet for an On Sale and Sunday "Exclusive" (street bar) Liquor License for the prior Smiling Moose Bar and Grill located at 1829 Hwy 52 North, Rochester, Mn. 55901. The name of the business will be Beer-N-Burgers, Inc, dba "The Moose" Bar & Grill.

Approval of the licenses would be pending the required fees, insurance certificates and all departmental approvals. A confidential investigative report has been returned satisfactorily. Opening is expected by the middle of January.

Approval of this license would leave two "EXCLUSIVE" (street bar) license for outside of downtown Rochester.

COUNCIL ACTION REQUESTED

A motion to approve the On Sale and Sunday Intoxicating "Exclusive" (street bar) License for Beer-N-Burgers, Inc. dba "The Moose" Bar & Grill located at 1829 Hwy 52 North.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/6/03

33

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	ITEM NO. D-15
ITEM DESCRIPTION: LICENSES, BONDS & MISCELLANEOUS ACTIVITIES		PREPARED BY: DONNA J SCHOTT

The following licenses, bonds and miscellaneous activities are submitted for the Council's approvals or disapprovals. All are pending departmental approvals, the required insurance, bonds, fees and all outstanding debts with the City of Rochester.

BEER – ON SALE 3.2 TEMPORARY

Church of St. Pius
1315 12th Ave NW
Rochester, Mn. 55901
Annual Polka Mass and Dance 2/1/03

DANCE – TEMPORARY

Church of St. Pius
1315 12th Ave NW
Rochester, Mn. 55901
Annual Polka Mass and Dance 2/1/03

GAMBLING – RAFFLE

PossAbilities of So. Mn.
1808 3rd Ave SE
Rochester, Mn. 55904
Raffle AT Central Park 8/9/03
200 2nd St NW

Elton Hills PTSA
1421 Elton Hills Dr NW
Rochester, Mn. 55901
Raffle AT School 1/21/03 and 3/13/03

HEATING CONTRACTOR

Neal Plumbing
6204 South Pointe Dr SW
Rochester, Mn. 55902

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

34

LICENSES, BONDS AND MISCELLANEOUS CITY ACTIVITIES

PAGE 2

JANUARY 6, 2002

LIQUOR – ON SALE TEMPORARY

Rochester Public Library Foundation
101 2nd St SE
Rochester, Mn. 55904
Fundraiser 1/18/03 at Library
Please Waive \$50.00 Fee

MASTER INSTALLER

James W. Neal
6204 South Pointe Dr SW
Rochester, Mn. 55902

Dana Frederixon
19029 County 10 Blvd
Zumbrota, MN 55992

MASTER PLUMBER

Neal Plumbing
6204 South Pointe Dr SW
Rochester, Mn. 55902

MISCELLANEOUS

March of Dimes
609 1st Ave SW
Rochester, Mn. 55902
Annual WalkAmerica for Preventing Birth Defects 4/26/02

COUNCIL ACTION REQUESTED

A motion to approve the above licenses, bonds and miscellaneous city activities.

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/6/03

35 /

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Finance Department	ITEM NO. D-16
ITEM DESCRIPTION: Approval of Accounts Payable		PREPARED BY: Dale Martinson

Respectfully request a motion to approve the following cash disbursements:

Investment purchases of \$10,200,000.00

Accounts payable of \$5,884,839.46

Total disbursements \$16,084,839.46

(Detailed listing of disbursements submitted separately.)

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

34

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/06/03

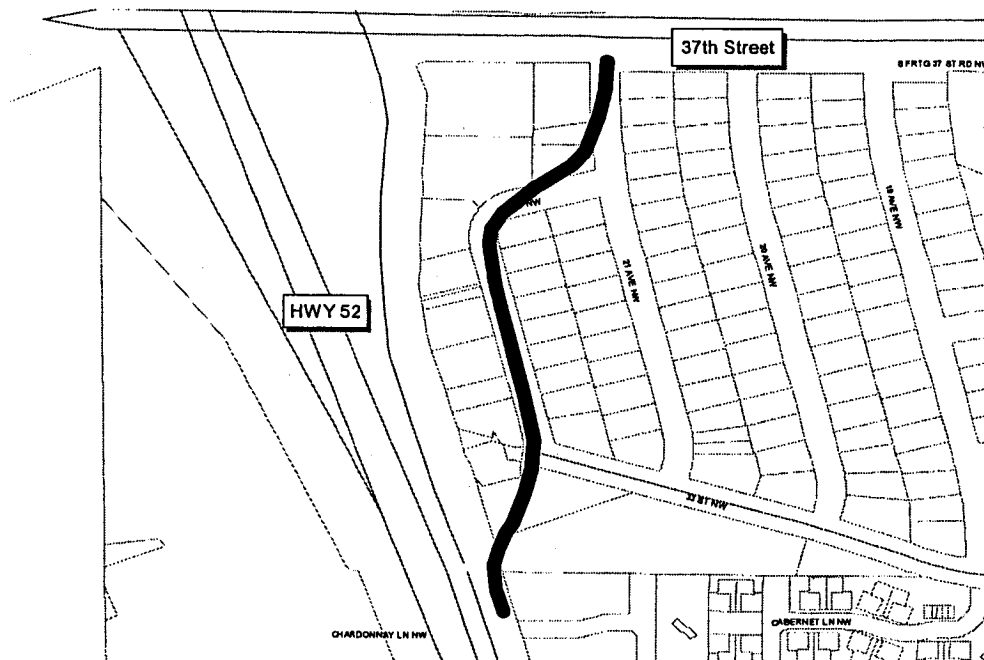
37 /

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-17
ITEM DESCRIPTION: Cooperative Construction Agreement #83797: Reconstruction of TH 52 East Frontage Road; (J 9824)		PREPARED BY: R. Freese <i>RF</i>

The City and MnDOT are proposing to reconstruct the TH 52 East Frontage Road lying between 37th Street NW and 33rd Street NW. The Council previously authorized the City staff to be the lead agency on this Project. The City has designed the project, conducted the public informational meetings, prepared the assessment roll and acquired the right-of-way necessary to construct the Project, J-9824. The project is currently out for bid with bids due 1/19/03.

MnDOT has prepared a Cooperative Construction Agreement for the Project. The Agreement defines the City's and MnDOT's respective responsibilities for construction, inspection and maintenance of the Project. The Agreement defines MnDOT's estimated cost share for the construction (\$739,136.60) and right-of-way (\$413,300) for the Project. The Agreement defines the City's estimated cost share for the construction (\$193,490.10) and right-of-way (\$ 0) for the Project. Project funding for the City's cost share is available from the TH 52 Project Budget (\$114,822.00) and Special Assessments (\$78,668.10).

Staff has reviewed the Cooperative Construction Agreement #83797 and recommends its approval.



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute Cooperative Construction Agreement No. 83797 with the Minnesota Department of Transportation for the Reconstruction of TH 52 East Frontage Road between 33rd Street and 37th Street NW.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

38

REQUEST FOR COUNCIL ACTION

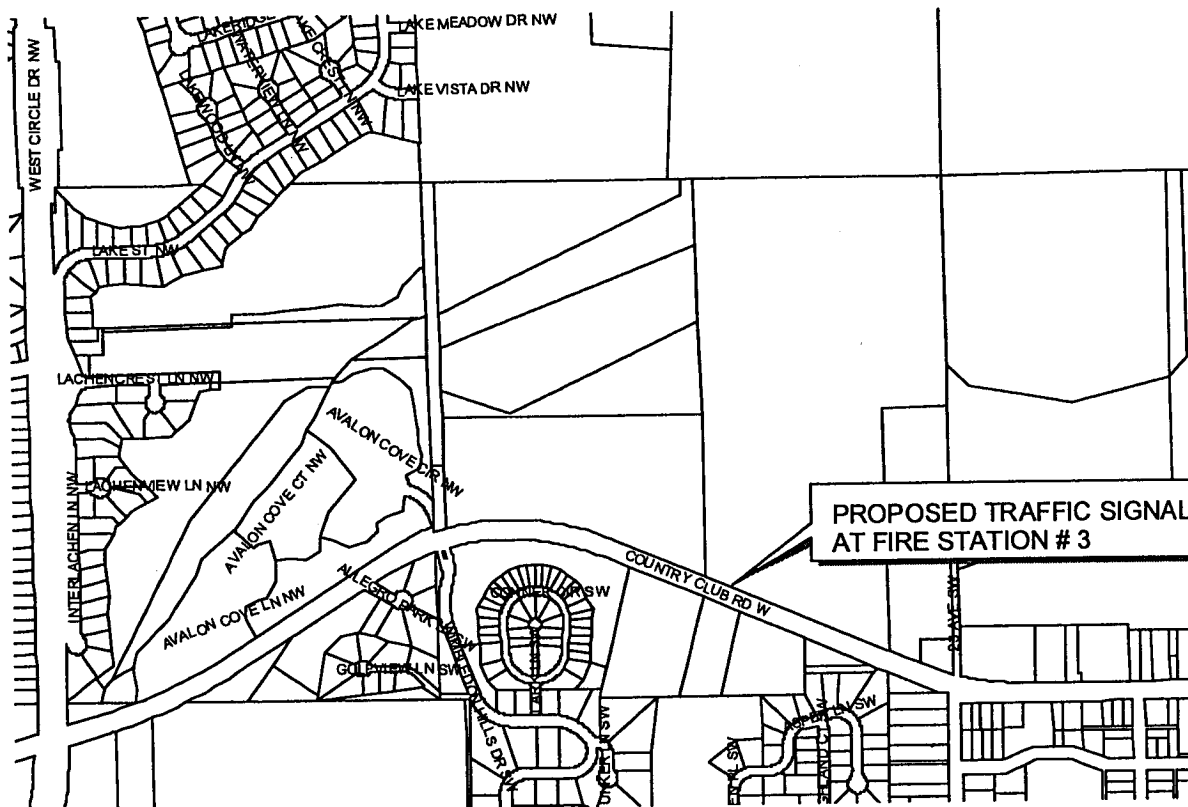
MEETING

DATE:

39 /
1/6/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-18
ITEM DESCRIPTION: Advertise for Bids, Traffic Signal on Country Club Road SW at new Fire Station # 3, J6316	PREPARED BY: Dr D. Kramer DPK	

A new traffic signal is proposed on Country Club Road SW at the entrance to new Fire Station # 3. The signal will be actuated from inside the fire station, to allow emergency fire vehicles to more safely and quickly enter Country Club Road SW. This signal is included in the 2002 CIP, page 40, item 6.



COUNCIL ACTION REQUESTED:

Authorize advertising for bids for Traffic Signal on Country Club Road SW at new Fire Station # 3, J6316.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

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REQUEST FOR COUNCIL ACTION

MEETING 01-6-03
DATE:

AGENDA SECTION: CONSENT		ORIGINATING DEPT: PUBLIC WORKS	ITFM NO. D-19
1...M	BUS PASSENGER SHELTER PROPERTY LEASE/ MINNESOTA DEPARTMENT OF NATURAL RESOURCES		PREPARED BY: A KNAUER <i>gn</i>

The City of Rochester leases a small parcel on the north side of 8 ½ Street SE west of 21st Ave SE for the placement of a bus passenger shelter. Staff is recommending the lease be renewed for a 10 year period through December 31, 2012. The lease requires a payment to the DNR in the amount of \$100 for the 10 year period.

REQUESTED COUNCIL ACTION

Adopt the prepared resolution approving execution of Lease #144-012-0037 with the Minnesota Department of Natural Resources for a period of 10 years through December 31, 2012 for the placement of a bus passenger shelter.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

42

REQUEST FOR COUNCIL ACTION

43 /
MEETING 01-06-03
DATE:

AGENDA SECTION: CONSENT AGENDA		ORIGINATING DEPT: PUBLIC WORKS	ITEM NO. D-20
ITEM	PURCHASE OF BUSES / FTA PROJECT # MN-03-0081, MN-90-X166 (City Project J 2091) / AMENDMENT TO MN-90-X166		PREPARED BY: A KNAUER <i>on</i>

On March 13, 2002 bids were received for the purchase of up to twenty-eight (28) buses for the City of Rochester over a 5 year period. Subsequently on March 18, 2002 an award was made to Gillig Corporation for the first eight buses. These buses will be delivered in March 2003. This fall federal grants for up to an additional 6 buses were approved. Now with the adoption of the 2003 Capital Improvements Program staff is recommending award of these buses. The specifications call for delivery within 48 weeks. (Payment is not made until the buses are delivered and accepted.)

The original bid document and subsequent contract provides for a price adjustment on the option buses based on the Producer Price Index (PPI) for Truck and Bus Bodies calculated from the original award date. Since April 4, 2002 through November, 2002 the PPI has increased 1.6%. The per unit price with the PPI adjustment is \$276,010 for a total contract award for 6 buses of \$1,656,060. The federal share is 80% or \$1,324,848 leaving a local share of \$331,212. The 2003 CIP has budgeted \$327,586 for this project. In addition an estimated \$1,680 in local share will expended for inspections and registration. Therefore it is recommended that \$6,000 in local funds be transferred from J2104 (Bus Rebuild Contingency) to this project.

The available federal share is under-funded by \$85,011 pending approval of the 2003 transportation reauthorization bill. Therefore, staff is recommending ordering five buses and amending the order as soon as the additional federal share is available. Staff is also recommending the submission of the grant amendment to obligate these funds to the project as soon as they are authorized.

REQUESTED COUNCIL ACTION

1. Adopt the prepared resolution awarding a contract to Gillig Corporation for the purchase of up to five buses at a cost of \$276,101 per unit and approval to amend the order to six buses pending additional federal funds.
2. Authorize the transfer of \$6,000 from J2104 to J2091
3. Authorize the filing of an amendment with the Federal Transit Administration for an additional \$85,011 to FTA Project Mn-90-X166 and the execution of any subsequent agreements.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

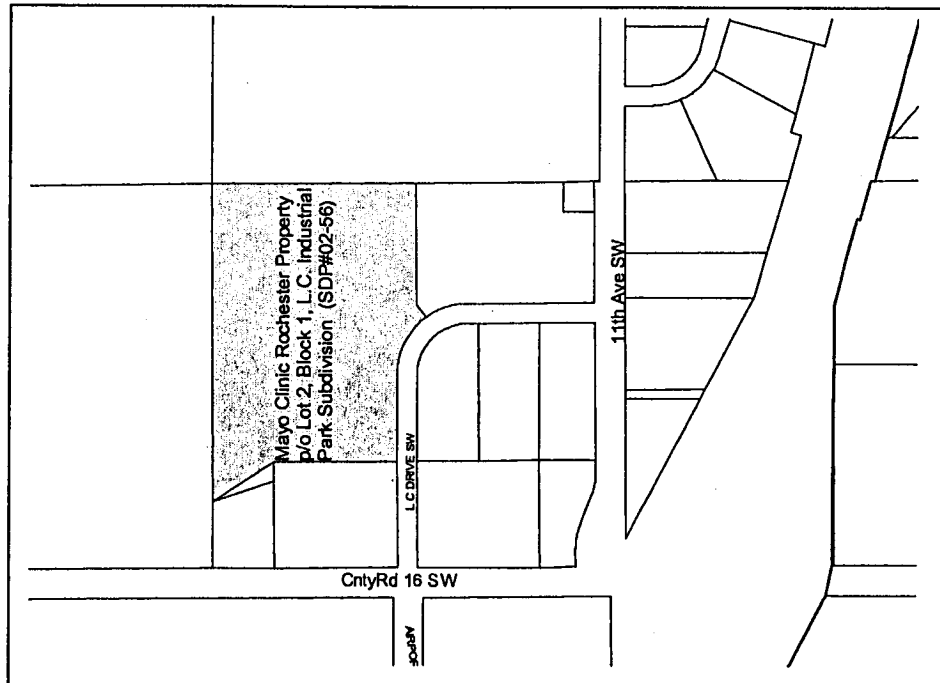
DATE: 1/6/03

45

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-21
ITEM DESCRIPTION: Pedestrian Facilities Agreement – Mayo Clinic Rochester (p/o Lot 2, Block 1, L.C. Industrial Park Subdivision)		PREPARED BY: <i>gm</i> M. Baker <i>MB</i>

Staff would offer the following Pedestrian Facility Agreement for consideration by the Council:

- Mayo Clinic Rochester, a Minnesota non-profit corporation, is the Owner of real property described as p/o Lot 2, Block 1, L.C. Industrial Park Subdivision, Olmsted County, Minnesota. The Owner has requested approval of a Site Development Plan (SDP#02-56) to further develop the Property, and as a condition of approval has requested that a Pedestrian Facilities Agreement be approved to address its obligations for providing pedestrian facilities along the frontage of the Property abutting L.C. Drive SW.



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute a Pedestrian Facilities Agreement with Mayo Clinic Rochester, a Minnesota non-profit corporation, for p/o Lot 2, Block 1, L.C. Industrial Park Subdivision, Olmsted County, Minnesota

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

44

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/6/03

47

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-22
ITEM DESCRIPTION: STORMWATER MANAGEMENT AGREEMENTS		PREPARED BY: M. Baker

The Department of Public Works has received a request on three (3) properties, to voluntarily participate in the City's Regional Storm Water Management Plan (SWMP). This department has reviewed the information for these properties and has determined that there is support for participation. The Owners have requested voluntary participation in the City's Plan, with the applicable participation fees as follows:

- South Point Motors (Lots 5 & 6, Block 31, Northern Addition)
(SDP#02-78) \$ 1,736.67
- Haeuszer Cold Storage Building (1906 3rd Ave SE)
(SDP#02-09) \$ 5,313.53
- Norman Antenna (Lot 1, Block 1, Airport Industrial Park 2nd)
(SDP#02-76) \$ 2,267.05

The Owners have already provided payment for their respective charges. These funds will be deposited upon acceptance by the Council for the properties to participate in the City's Plan.

COUNCIL ACTION REQUESTED:

Adopt a Resolution accepting voluntary participation by the above noted properties, in the City's Regional Storm Water Management Plan (SWMP).

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

48

REQUEST FOR COUNCIL ACTION

MEETING

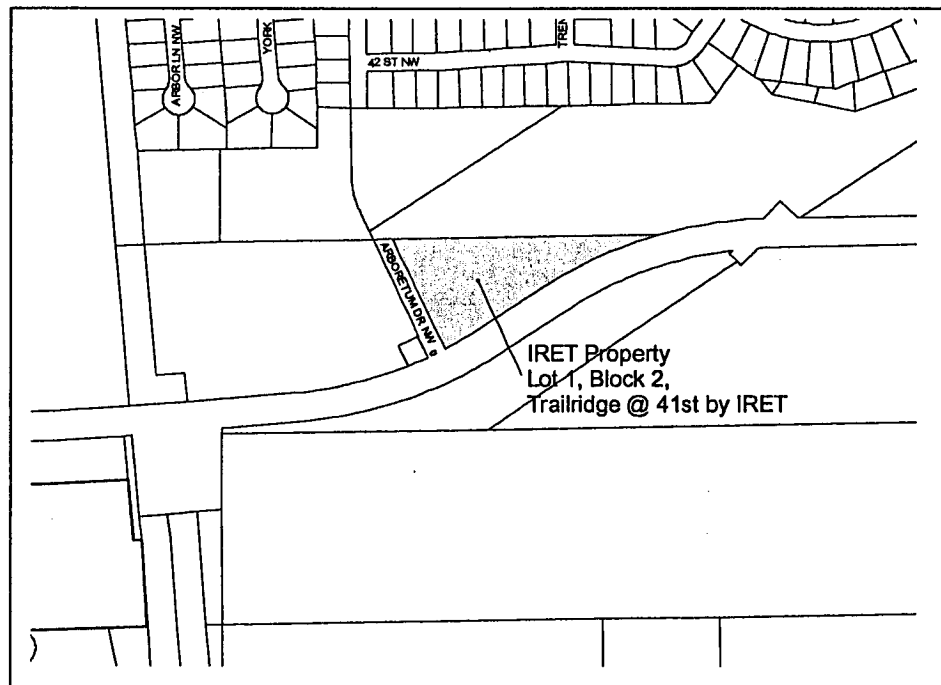
49

DATE: 1/6/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-23
ITEM DESCRIPTION:	Pedestrian Facilities Agreement – IRET Properties, a North Dakota Limited Partnership (Lot 1, Block 2, Trailridge @ 41 st by IRET, Olmsted County, Minnesota)	
	PREPARED BY: M. Baker <i>MB</i>	

Staff would offer the following Pedestrian Facility Agreement for consideration by the Council:

- IRET Properties is the Owner of real property described as Lot 1, Block 2, Trailridge @ 41st by IRET Olmsted County, Minnesota. The Owner has requested that a Pedestrian Facilities Agreement be approved to address the Owner's obligation for providing pedestrian facilities along the frontages of the Property abutting Arboretum Dr NW, and 41st St NW, as well as, a pedestrian crossing of 41st St NW.



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute a Pedestrian Facilities Agreement with IRET Properties, a North Dakota Limited Partnership for Lot 1, Block 2, Trailridge @ 41st by IRET, Olmsted County, Minnesota

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

50

REQUEST FOR COUNCIL ACTION

MEETING

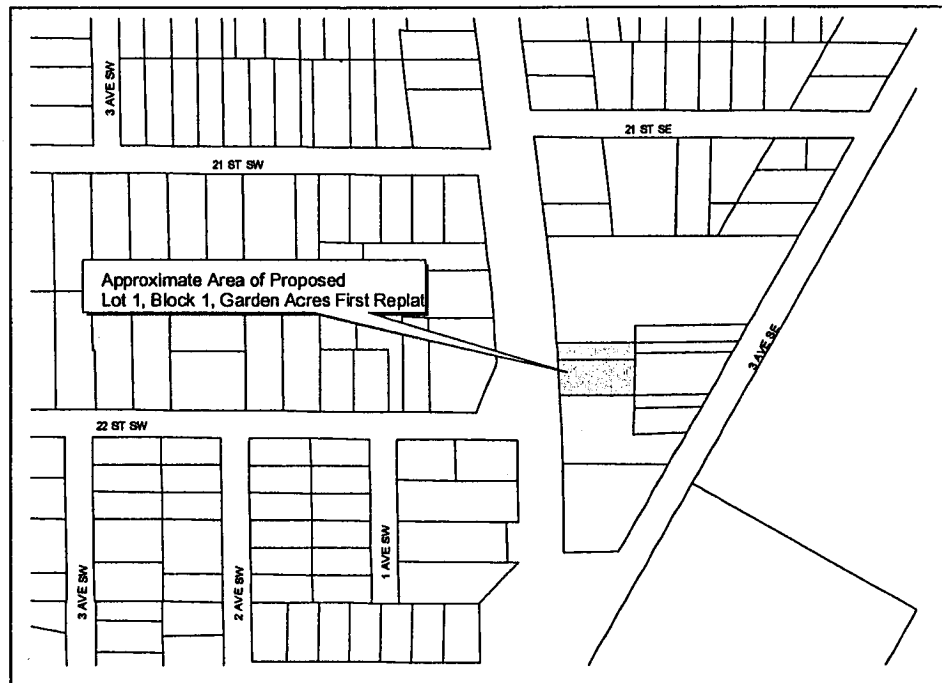
DATE:

51
1/6/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-24
ITEM DESCRIPTION: Pedestrian Facilities Agreement – Todd & Jennifer Robertson (Lot 1, Block 1, Garden Acres First Replat, Olmsted County, Minnesota)	PREPARED BY: M. Baker WJ	

Staff would offer the following Pedestrian Facility Agreement for consideration by the Council:

- Todd & Jennifer Robertson are the Owners of real property being platted as Lot 1, Block 1, Garden Acres First Replat, Olmsted County, Minnesota. The Owners have requested approval of a Site Development Plan SDP#02-65, to develop the Property, and as a condition of approval, have requested that a Pedestrian Facilities Agreement be approved to address their obligations for providing pedestrian facilities along the frontage of the Property abutting T.H. 63.



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute a Pedestrian Facilities Agreement with Todd & Jennifer Robertson for proposed Lot 1, Block 1, Garden Acres First Replat, Olmsted County, Minnesota

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

52

REQUEST FOR COUNCIL ACTION

MEETING

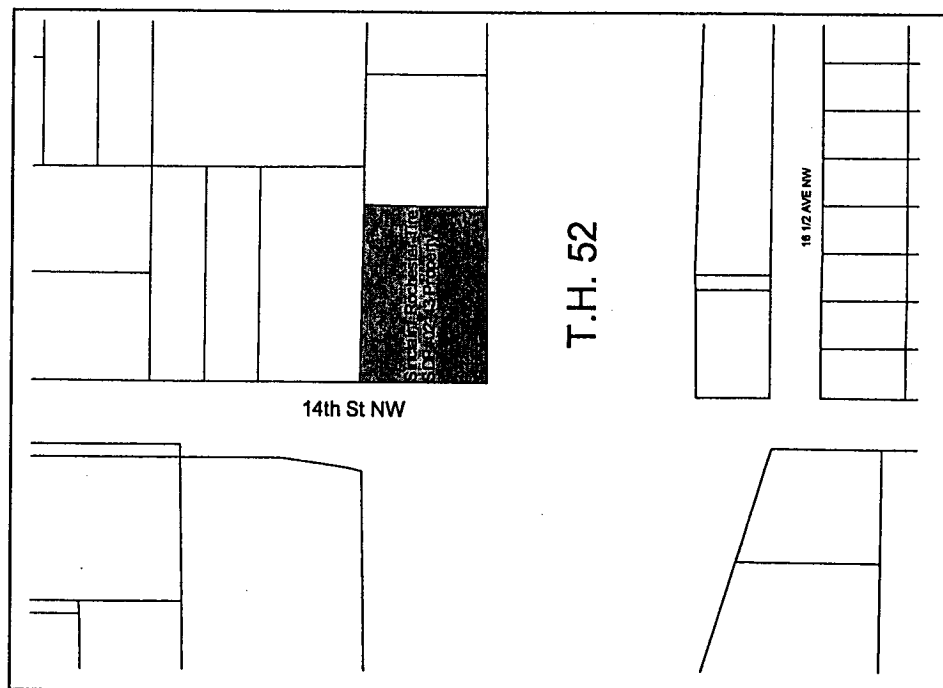
53

DATE: 1/6/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-25
ITEM DESCRIPTION: Pedestrian Facilities Agreement – Rochester Tire & Auto Sales (p/o SW ¼, SE ¼, Section 27, Township 107 North, Range 14 West, Olmsted County, Minnesota)		PREPARED BY: M. Baker [Signature]

Staff would offer the following Pedestrian Facility Agreement for consideration by the Council:

- Sinclair Marketing, Inc. a Delaware Corporation, and Sinclair Oil Corporation, Inc., a Wyoming corporation, are the Owners of real property described as p/o the SW ¼, SE ¼, Section 27, T107N, R14W, Olmsted County, Minnesota. The Owners lease said Property to Rochester Tire & Auto Sales, Inc. The Lessee has requested approval of a Site Development Plan (SDP#02-43) to further develop the Property, and as a condition of approval has requested, together with the Owners, that a Pedestrian Facilities Agreement be approved to address the Owners obligations for providing pedestrian facilities along the frontages of the Property abutting the West Frontage Road of T.H. 52, and 14th St NW.



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute a Pedestrian Facilities Agreement with Sinclair Marketing, Inc & Sinclair Oil Corporation, Inc., for p/o the NW ¼, NE ¼ Section 27, Township 107 North, Range 14 West, Olmsted County, Minnesota

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

54

REQUEST FOR COUNCIL ACTION

Meeting

Date 01/06/03

GENDA SECTION
Rochester Public Utilities

ORIGINATING DEPT:
Consent Agenda

ITEM NO.

D-26

ITEM DESCRIPTION:

Consideration of Public Utility Board Action

PREPARED BY:

Kathy Wilson

The Rochester Public Utility Board has approved the following on December 23, 2002 and requests the Common Council's favorable consideration:

- to approve a resolution to approve an insurance agreement with Starr Technical Risks Agency, Inc. for All Risk Property Insurance. The insurance agreement to be for a twelve month policy period commencing December 31, 2002 and expiring December 31, 2003. The amount of the twelve month premium to be \$509,227.00.
- to approve a resolution to approve an insurance agreement with the League of Minnesota Cities Insurance Trust. for Commercial Automobile and General Liability Insurance. The insurance agreement to be for a twelve month policy period commencing December 31, 2002 and expiring December 31, 2003. The amount of the twelve month premium to be \$101,254.00.
- to approve a resolution to approve an insurance agreement with Associated Electric and Gas Insurance Services, Ltd. (AEGIS). for Excess General Liability Insurance. The insurance agreement to be for a twelve month policy period commencing December 31, 2002 and expiring December 31, 2003. The amount of the twelve month premium to be \$64,134.00.
- to approve a resolution to approve the 2003 RPU electric and water capital and operating budgets.

GENERAL MANAGER:

Larry Kosher

COUNCIL ACTION:

Motion by: _____

Second by: _____

to:

54

FOR BOARD ACTION

Agenda Item # 7

Meeting Date:

12/23/02

SUBJECT: INSURANCE QUOTATIONS

PREPARED BY: Curt Kraft, Director of Administration *CYK*

ITEM DESCRIPTION:

Listed below are the recommended insurance quotations for obtaining all risk property insurance and general liability and automotive insurance for 2003.

ALL RISK PROPERTY INURANCE:

The C.O. Brown Agency requested proposals from several companies. They received only one proposal from Starr Technical Risk Agency (Hartford Steam), our current property insurance provider. The other carriers declined to provide a proposal due to the cost of the reinsurance market for the amount of our property limit, which is at \$ 150,000,000.

The cost of property insurance continues to rise after many years of stable or flat premium costs. The cost per thousand dollars of coverage increased thirty four percent from 2002 to 2003. The new gas turbine at Cascade Creek came on line in 2002, and added almost thirty million dollars to the overall property valuation list. The current policy carries a \$ 500,000 deductible at all locations, which was increased by the Board last year.

	<u>PROPERTY VALUE</u>	<u>PREMIUM</u>
2002	\$ 158,910,000	\$ 319,581
2003	\$ 189,670,000	\$ 509,227

The above coverage does not provide for acts of terrorism.

LIABILITY AND COMMERICAL AUTO INSURANCE:

Staff recommends maintaining the same structure of coverage for liability and auto insurance, having the League of MN Cities provide the primary coverage up to \$ 1,000,000.

Staff also recommends maintaining AEGIS to provide blanket liability coverage with limits from \$ 1,000,000 up to \$ 20,000,000.

	<u>2002</u>	<u>2003</u>
League of MN Cities	\$ 105,182	\$ 101,254
AEGIS	\$ 42,696	\$ 64,134

UTILITY BOARD ACTION REQUESTED:

The Board is requested to approve the attached resolutions for property and liability insurance for 2003 and to request Council approval of the same.

Larry Koshur
General Manager

12/19/02
Date

ROCHESTER PUBLIC UTILITIES

DEC. 19. 2002 11:11AM

CO BROWN

NO. 847

P. 1

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C.O. Brown Agency, inc.
300 South Broadway
Rochester, Minnesota 55904
Telephone 507/288-7600
1/800/288-3715
Fax 507/287-3589

December 19, 2002

Curt Kraft
Rochester Public Utilities
4000 East River Road NE
Rochester, MN 55906-2813

Dear Curt:

We contacted the following companies for Property/Boiler proposals: Zurich, CAN, Travelers, Utility Management services, and LMG Property. I previously gave you a copy of their responses.

CNA provided a Boiler proposal. However, they are not able to provide the property coverage, nor were any of the other companies. The market conditions are very restrictive due to reinsurance treaty contracts, as the property limit of coverage is \$150,000,000.00

AIG (Hartford Steam) is still the best market. Their renewal proposal for the Property/Boiler is \$509,227.00. This is a 34% increase from last year; however, the total property values have increased from \$158,910,815.00 to \$189,669,846.00 due primarily to the addition of the new Combustion Turbine at the Cascade Creek Substation.

Please note that AIG is offering Terrorism coverage according to the "Terrorism Risk Insurance Act of 2002". According to this new law, they are required to offer Terrorism coverage to you with a \$150,000,000.00 limit. This limit would be subject to your \$500,000.00 deductible. The additional premium for this coverage is \$36,500.00. If this coverage is not desired, we must return to AIG a signed disclosure statement whereby you reject the coverage. We must return this signed rejection statement prior to December 31st, 2002 or Terrorism coverage will be added for the additional premium of \$36,500.00.



DEC. 19. 2002 11:11AM

CO BROWN

NO. 847

P. 2

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The AEGIS renewal premium increased from \$42,896.00 to \$64,134.00. The AEGIS renewal premium of \$64,134.00 includes a continuity credit of \$18,281.00 and an EPPIC discount of \$8,680.00. The AEGIS continuity credit was reduced to all AEGIS members due to September 11, 2001 along with the Enron situation. The continuity credit percentage was reduced from 8% to 6 1/2%.

In checking with other Excess Liability Insurance carriers, none of them are able to provide the following coverages:

Pollution Liability
Failure to Supply
Dam Liability

The "tailored" coverages along with the AEGIS continuity credit and the EPPIC discount make it difficult for other companies to be competitive.

I highly recommend that you renew with your current insurance companies under the current market conditions. Now is not the time to be changing companies. It is most imperative to continue to build a long-term relationship with carriers, especially, when your loss history is performing well. Your current carriers are the main players in the utility industry and AIG has the best engineering service in your industry.

Please give me a call if you have any questions or if you would like to get together to review in further detail.

Respectfully Submitted,

Lyle Papenfuss
C.O. Brown Agency



FOR BOARD ACTION

Agenda Item # 9

Meeting Date:

12/23/02

SUBJECT:

APPROVAL OF THE 2003 WATER AND ELECTRIC CAPITAL AND OPERATING BUDGETS

PREPARED BY:

Larry Koshire, General Manager

ITEM DESCRIPTION:

At the November RPU Board meeting, the electric and water 2003 operating budgets were presented to the Board. Budget detail was provided to allow the Board time to review the information and direct any specific questions regarding its content to RPU management. No modifications were made to the budgets presented in November, and we are returning for final discussion and approval.

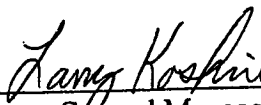
The 2003 forecasted budget reflects electric revenue of approximately \$95 million, a 2.8% increase over expected 2002 results. Forecasted electric sales growth is just under 2%. The water budget forecast is approximately \$6.2 million, a 7.1% increase over expected 2002 results. Water sales forecast is just under 5%, reflecting a normalized sales year over what was considered a wet year in 2002.

Both the electric and water budgets continue to reflect a strong economic growth in the community, and the capital required to provide the electric and water infrastructure for this growth. In addition, the budget reflects significant dollars required by the various highway projects planned in the Rochester area and the necessary utility re-routes. The budgets also reflect the need for a rate increase effective April 1, 2003, which would include a 1% increase in the electric revenue and a 4% increase in water revenue. Year-end analysis will be done in the first quarter of 2003, and staff will return with a rate adjustment recommendation in February. No request for rate adjustments is being made at this time.

Please bring your budget booklets to the meeting for any additional questions on the information provided. Pending any last minute adjustments, we recommend adoption of the budget as presented.

UTILITY BOARD ACTION REQUESTED:

The Board is requested to approve the 2003 electric and water capital and operating budget.


General Manager

12/20/02
Date

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ROCHESTER PUBLIC UTILITIES

2003

ELECTRIC UTILITY

OPERATING BUDGET

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ROCHESTER PUBLIC UTILITIES
CONDENSED INCOME STATEMENT
ELECTRIC UTILITY
2003 ANNUAL OPERATING BUDGET

(\$000's)

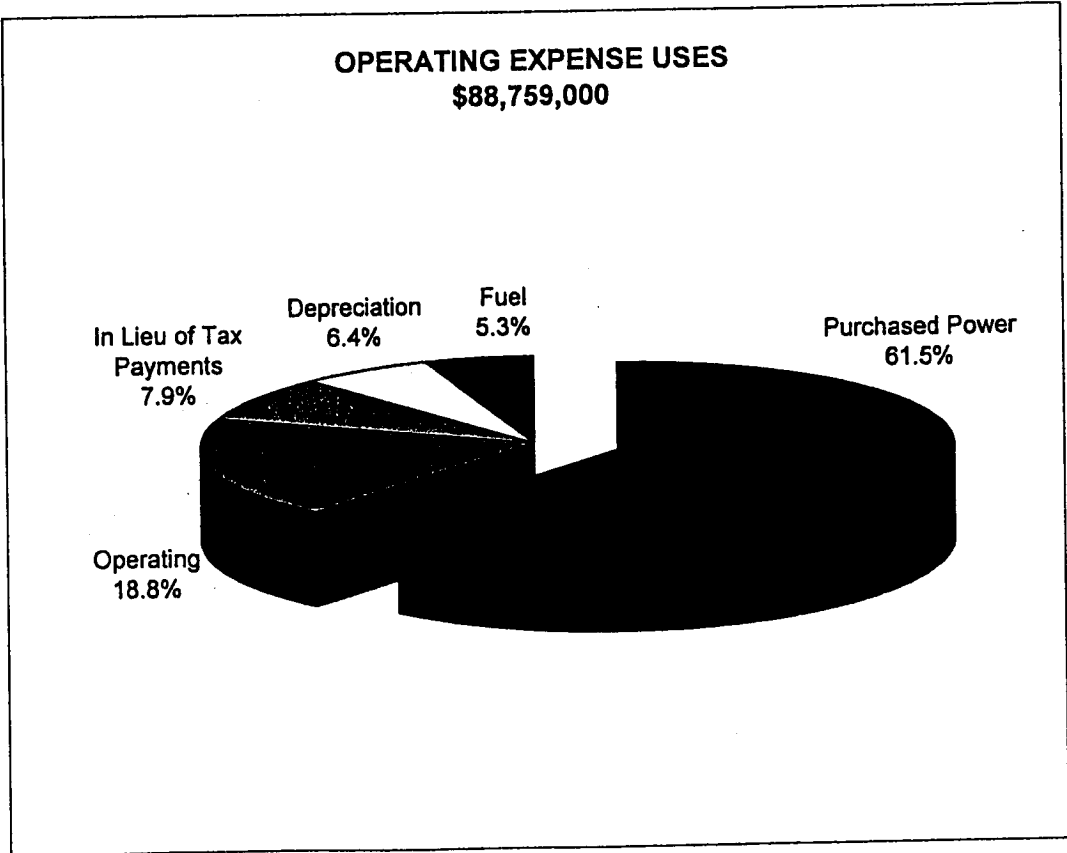
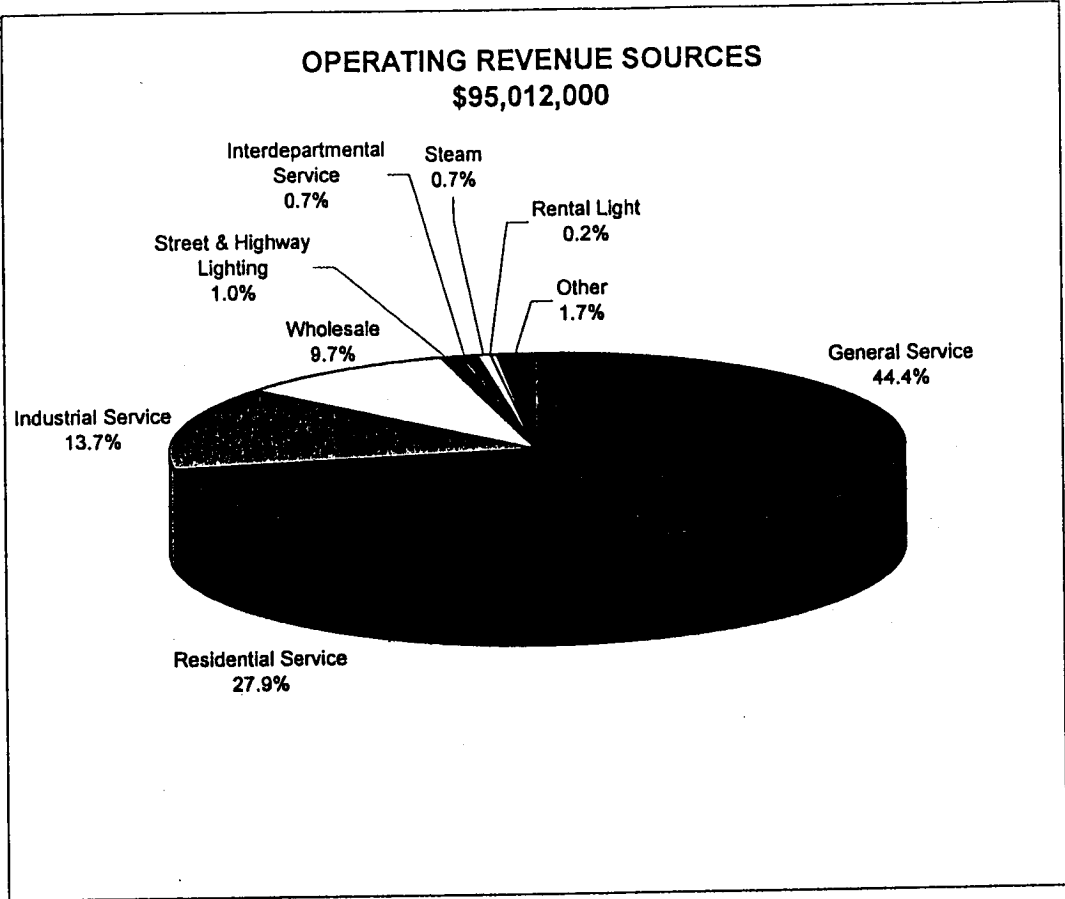
	<u>2002 Forecast*</u>	<u>2003 Budget**</u>	<u>Change</u>	<u>% Change</u>
OPERATING REVENUE				
Retail Revenue				
Electric - Residential Service	25,423	26,507	1,084	4.1
Electric - General Service	40,352	42,191	1,840	4.4
Electric - Industrial Service	13,204	13,039	(165)	(1.3)
Electric - Public Street & Highway Lighting	887	935	48	5.1
Electric - Rental LightRevenue	143	149	5	3.5
Interdepartmental Service	615	657	42	6.3
Total Retail Revenue	80,625	83,478	2,853	3.4
Wholesale Revenue				
Energy & Fuel Reimbursement	5,403	4,329	(1,074)	(24.8)
Capacity & Demand	4,988	4,925	(63)	(1.3)
Wholesale Sales Misc	24	0	(24)	0.0
Total Wholesale Revenue	10,415	9,254	(1,161)	(12.5)
Steam Sales	0	638	638	100.0
Other Operating Revenue	1,402	1,642	239	14.6
TOTAL OPERATING REVENUE	92,442	95,012	2,570	2.7
OPERATING EXPENSE				
Purchased Power	54,453	54,606	153	0.3
Generation Fuel	5,390	4,746	(644)	(13.6)
In Lieu of Tax Payments	6,764	6,996	232	3.3
Depreciation And Amortization	3,960	5,697	1,737	30.5
Salaries & Benefits	12,536	13,370	834	6.2
Materials, Supplies, & Services	21,874	19,672	(2,202)	(11.2)
Inter-Utility Allocations	(919)	(1,213)	(294)	24.2
Capitalized Expenses	(17,714)	(15,114)	2,599	(17.2)
TOTAL OPERATING EXPENSE	86,344	88,759	2,415	2.7
NET OPERATING INCOME (LOSS)	6,098	6,252	154	2.5
NON-OPERATING INCOME				
Bond Interest Expense	(2,046)	(2,267)	(221)	9.7
Bond Issuance & Discount Expense	(23)	(17)	6	(33.1)
Allow for Borrowed Funds Used During Const	607	246	(361)	(147.1)
Interest Expense	(35)	(42)	(6)	14.5
Other Non-Operating Revenue/Expense				
Interest Income	659	397	(262)	(66.0)
Allow for Other Funds Used During Const	230	0	(230)	0.0
Miscellaneous - Net	794	(32)	(826)	2,574.7
Total Other Non-Operating Rev/Expense	1,683	365	(1,318)	(361.4)
TOTAL NON-OPERATING INCOME	186	(1,715)	(1,901)	110.8
NET INCOME (LOSS)	6,284	4,537	(1,747)	(38.5)

* 2002 forecast contains 9 months of actuals and 3 months of forecast

** Assumes 1% rate increase effective April 1, 2003

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ROCHESTER PUBLIC UTILITIES
ELECTRIC UTILITY
2003 OPERATING BUDGET



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**ROCHESTER PUBLIC UTILITIES
PRODUCTION & SALES STATISTICS FORECAST
ELECTRIC UTILITY**

	2002	2003	2004	2005	2006	2007
Peak MW						
SMPA	216	216	216	216	216	216
Self Generation	38	59	71	81	98	109
Market	-	-	-	-	-	-
Total Peak MW	254	275	287	297	314	325
% Change	1.6%	7.9%	4.4%	3.8%	5.5%	3.6%
Retail MWH	1,186,419	1,196,705	1,244,884	1,291,820	1,336,455	1,382,712
% Change	8.6%	0.9%	4.0%	3.8%	3.5%	3.5%
Purchase Power MWH						
SMPA	1,201,696	1,214,608	1,256,491	1,296,010	1,326,153	1,361,282
Other	1,245	-	-	-	-	-
Total Purchase Power MWH	1,202,940	1,214,608	1,256,491	1,296,010	1,326,153	1,361,282
% Change	7.1%	1.0%	3.4%	3.1%	2.3%	2.6%
Generation MWH						
MMPA	130,650	151,325	151,325	138,525	75,663	75,663
Others	49,228	-	-	-	-	-
RPU	1,124	14,376	22,409	31,523	47,642	60,449
Total Generation MWH	181,003	165,701	173,734	170,048	123,304	136,111
% Change	11.6%	-8.5%	4.8%	-2.1%	-27.5%	10.4%
Number of Customers						
Residential	38,341	39,745	41,200	42,709	44,273	45,894
Small General Service	3,670	3,766	3,862	3,958	4,054	4,158
Medium General Service	329	341	353	365	377	389
Large General Service	20	20	21	21	21	21
Large Industrial Service	2	2	2	2	2	2
Street & Hwy Lightings	3	3	3	3	3	3
Interdepartmental	1	1	1	1	1	1
Total Customers	42,366	43,878	45,442	47,059	48,731	50,468
% Change	3.0%	3.6%	3.6%	3.6%	3.6%	3.6%
Steam Generation MLBS		57,887	347,324	347,324	347,324	347,324
% Change		100.0%	500.0%	0.0%	0.0%	0.0%

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ROCHESTER PUBLIC UTILITIES

2003

ELECTRIC UTILITY

**CAPITAL IMPROVEMENT AND
MAJOR MAINTENANCE BUDGET**

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**ROCHESTER PUBLIC UTILITIES
CAPITAL AND MAJOR MAINTENANCE PLAN
MATERIALS, SUPPLIES & SERVICES
5 YEAR SUMMARY (2003 - 2007)**

**ELECTRIC UTILITY
(\$000's)**

	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>5-Yr Total</u>
Power Production	5,230	1,430	1,170	1,550	1,500	10,880
T & D System Expansion	2,880	3,834	7,724	8,478	4,541	27,457
New Services	1,090	1,193	1,231	1,272	1,315	6,101
IT/SCADA/Communications	911	895	931	804	804	4,345
Vehicles	445	484	480	347	656	2,412
RPU Facilities	164	296	348	11	11	830
City/State Required	1,236	825	415	140	60	2,676
Tools	54	20	45	20	20	159
Enviromental	82	50	-	-	-	132
Other	510	528	395	442	490	2,365
Total Outside Expenditures	12,602	9,555	12,739	13,064	9,397	57,357
Total Internal Expenditures	2,700	2,133	2,042	2,216	1,538	10,629
Net Capital & Major Maintenance Plan	15,302	11,688	14,781	15,280	10,935	67,986

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ROCHESTER PUBLIC UTILITIES

2003

WATER UTILITY

OPERATING BUDGET

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ROCHESTER PUBLIC UTILITIES
CONDENSED INCOME STATEMENT
WATER UTILITY
2003 ANNUAL OPERATING BUDGET
 (\$000's)

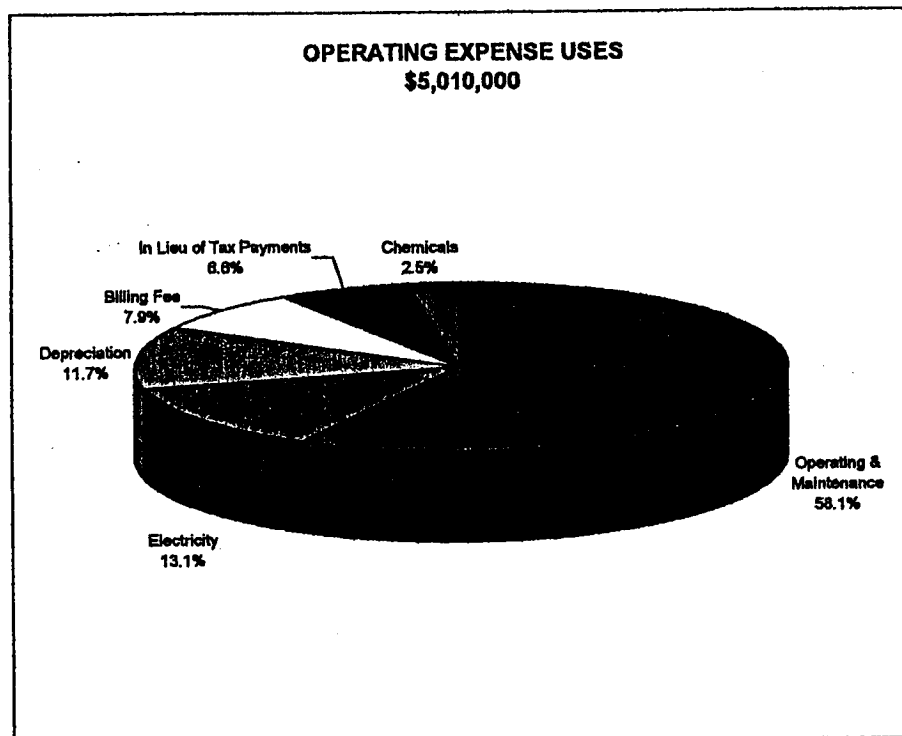
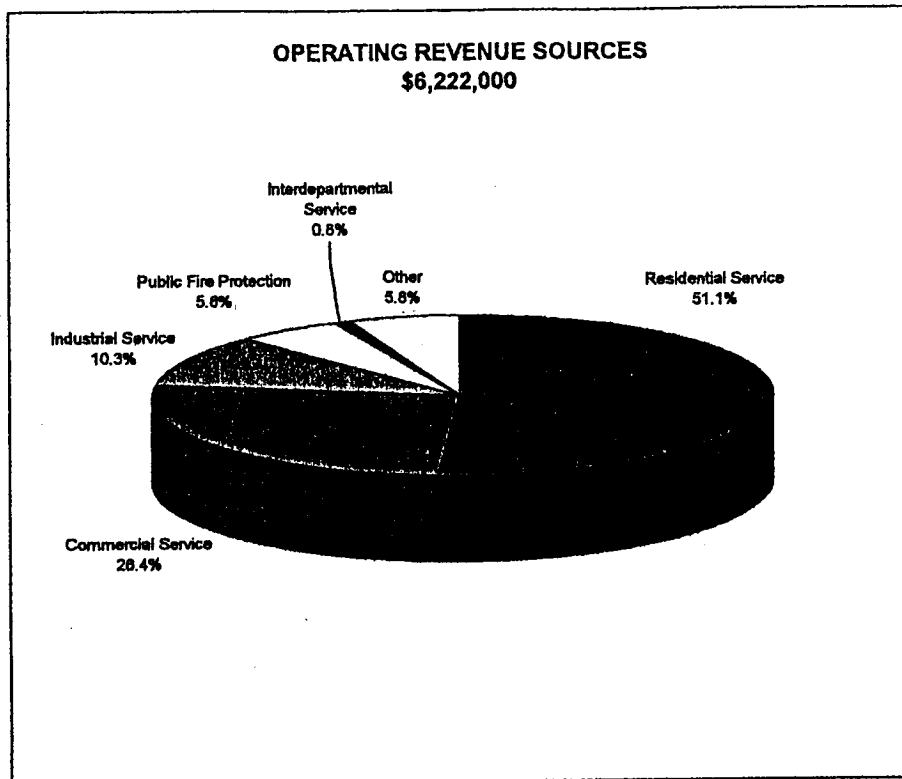
	<u>2002 Forecast*</u>	<u>2003 Budget**</u>	<u>Change</u>	<u>% Change</u>
OPERATING REVENUE				
Retail Revenue				
Water - Residential Service	3,000	3,176	176	5.6
Water - Commercial Service	1,587	1,645	58	3.5
Water - Industrial Service	527	642	115	17.9
Water - Public Fire Protection	325	348	22	6.4
Interdepartmental Service	32	52	21	39.6
Total Retail Revenue	5,471	5,864	393	6.7
Other Operating Revenue	338	358	20	5.5
TOTAL OPERATING REVENUE	5,809	6,222	412	6.6
OPERATING EXPENSE				
In Lieu of Tax Payments	316	333	17	5.2
Depreciation & Amortization	525	586	61	10.5
Salaries & Benefits	1,360	1,413	54	3.8
Materials, Supplies, & Services	3,443	4,095	651	15.9
Inter-Utility Allocations	919	1,213	294	24.2
Capitalized & Other Deferred Expenses	(1,965)	(2,631)	(666)	25.3
TOTAL OPERATING EXPENSE	4,598	5,010	411	8.2
NET OPERATING INCOME (LOSS)	1,211	1,212	1	0.1
NON-OPERATING INCOME				
Interest Income	70	40	(30)	(74.9)
Miscellaneous - Net	(4)	-	4	-
TOTAL NON-OPERATING INCOME	66	40	(26)	(65.5)
NET INCOME (LOSS)	1,277	1,252	(25)	(2.0)

* 2002 forecast contains 9 months actuals and 3 months forecast

** Assumes 4% rate increase effective April 1, 2003

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ROCHESTER PUBLIC UTILITIES
WATER UTILITY
2003 OPERATING BUDGET



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**ROCHESTER PUBLIC UTILITIES
PRODUCTION & SALES STATISTICS FORECAST
WATER UTILITY**

	2002	2003	2004	2005	2006	2007
CCF Pumped	6,327,060	6,577,000	6,710,000	6,834,000	6,960,000	7,089,000
% Change	-1.2%	4.0%	2.0%	1.8%	1.8%	1.9%
Retail CCF	5,917,988	6,206,000	6,330,000	6,447,000	6,566,000	6,688,000
% Change	-0.8%	4.9%	2.0%	1.8%	1.8%	1.9%
Number of Customers						
Residential	28,381	29,243	30,132	31,051	32,001	32,979
Commercial	2,973	3,052	3,133	3,214	3,293	3,375
Industrial	36	36	36	36	36	36
Interdepartmental	1	1	1	1	1	1
Total Customers	31,391	32,332	33,302	34,302	35,331	36,391
% Change	2.9%	3.0%	3.0%	3.0%	3.0%	3.0%

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ROCHESTER PUBLIC UTILITIES

2003

WATER UTILITY

**CAPITAL IMPROVEMENT AND
MAJOR MAINTENANCE BUDGET**

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**ROCHESTER PUBLIC UTILITIES
CAPITAL AND MAJOR MAINTENANCE PLAN
MATERIALS, SUPPLIES & SERVICES
5 YEAR SUMMARY (2003 - 2007)**

**WATER UTILITY
(\$000's)**

	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>5-Yr Total</u>
City/State Required	1,282	1,017	905	525	425	4,154
New Services	686	697	722	744	751	3,600
Wells & Towers	426	416	425	720	546	2,533
Vehicles	30	65	180	64	180	519
T & D System Expansion	105	31	31	35	35	237
IT/SCADA/Communications	10	16	10	10	17	63
Other	20	20	20	20	-	80
Total Outside Expenditures	2,559	2,262	2,293	2,118	1,954	11,186
Total Internal Expenditures	244	248	254	232	237	1,215
Net Capital & Major Maintenance Plan	2,803	2,510	2,547	2,350	2,191	12,401

12

REQUEST FOR COUNCIL ACTION

MEETING
1-06-03

73

AGENDA SECTION: PUBLIC HEARING-Continued Item	ORIGINATING DEPT: PLANNING	ITEM NO. E-1
ITEM DESCRIPTION: Type III, Phase II Restrictive Development #02-54 Preliminary Plan by Paul Myrhom to construct a 3,520 square foot building (2 story) to be used for a retail business (bike shop). The property is located in the R-2 (Low Density Residential) zoning district and the address is 2311 South Broadway.		PREPARED BY: Brent Svenby, Planner

December 31, 2002

NOTE: The original proposal has been revised and now proposes a 3,520 sq. ft building instead of a 4,224 sq. ft building. Please see the revised staff report for a review of the proposal.

Planning Commission Recommendation:

The Rochester Planning and Zoning Commission considered this application at a public hearing on November 13, 2002. At the hearing a number of neighboring property owners spoke in opposition to the proposal citing that a retail business didn't belong in the residential neighborhood and the amount of traffic that the business would generate. A petition, signed by 53 people, was also submitted in opposition of the proposal.

The Planning Commission reviewed this request according to the applicable criteria and standards in the LDM. The Commission is recommending denial to construct a 4,224 square foot building to be used for a retail business. The Commission found that this request is not consistent with those criteria and adopted the findings to the criteria as written in the staff report.

Ms. Rivas moved to recommend denial of Type III, Phase II Restricted Development Preliminary Plan #02-54 by Paul Myrhom to construct a 4,224 square foot building to be used for a retail business based on staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 6-1 with Ms. Petersson voting nay and Ms. Wiesner abstaining.

Council Action Needed:

1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution either approving, approving with conditions, or denying this request based upon the criteria included in the staff report.

Attachment:

1. Revised Staff Report dated December 31, 2002
2. Minutes from November 13, 2002 CPZC meeting
3. Petition in Opposition of the Proposal

Note: 7 page petition
from neighbors sent
separately to Mayor &
Council.

J. N.

Distribution:

1. City Clerk
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday January 6, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
5. Design Construction Options

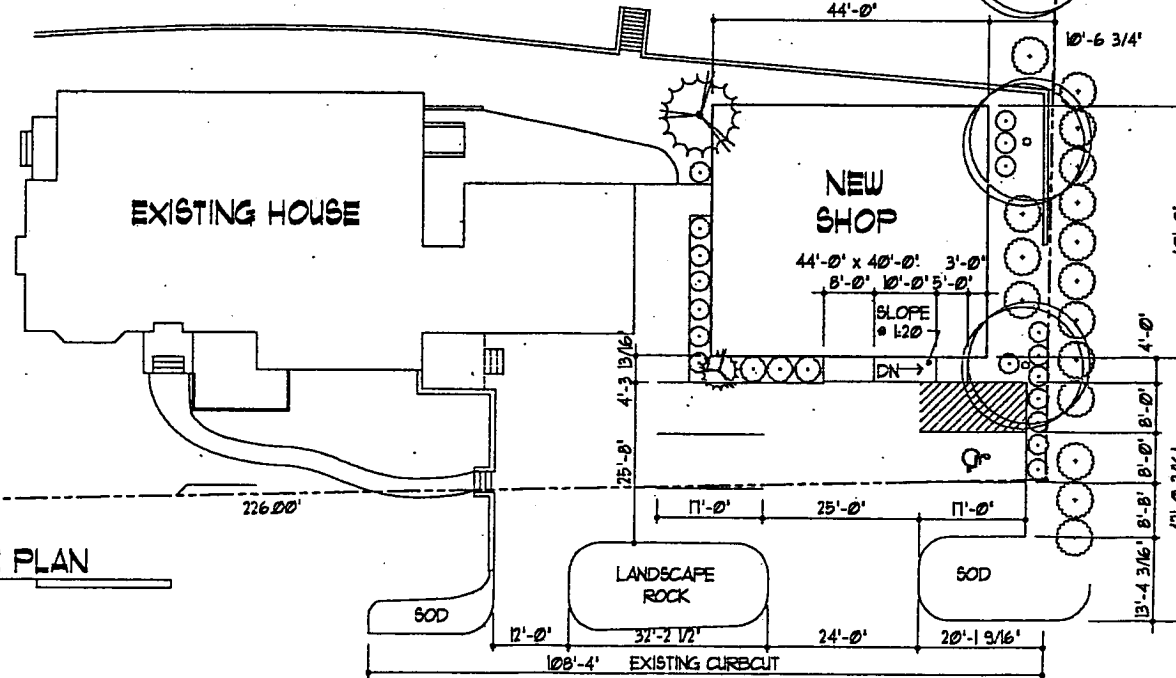
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REVISION #3 12/17/12

CODE INFORMATION

ZONING: R2
 SITE AREA: APPROX. 41260 SF
 GREEN SPACE PROVIDED: APPROX. 33,210 SF
 TRASH: TO BE ENCLOSED OR SCREENED
 FLOOR AREA RATIO: 16.53 %
 PARKING: 853 SF / 200 SF = 5 SPACES (INCL 1 VAN ACCESSIBLE)
 OCCUPANCY: M (853 SF DEDICATED TO RETAIL SALES)
 CONSTRUCTION TYPE: Y-B
 BUILDING SIZE: 3299 SF (EXIST HOUSE) + 3520 SF (NEW RETAIL) = 6819 SF TOTAL
 SPRINKLERING: NO
 BUFFERYARDS: 10' WIDE BUFFERYARD "E" ALONG THE NORTH PROPERTY LINE
 SIGNAGE: SIGN STANDARD A
 LIGHTING: STANDARD 'A' PER SECTION 632B OF THE L.D.M.
 BUILDING HEIGHT: 19'-10 5/16'

192.00'



1
 AI
 PROPOSED SITE PLAN
 SCALE: 1" = 20'-0"

RECEIVED
 DEC 13 2012
 ROCHESTER OLMDST
 PLANNING DEPARTMENT

REVISED



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.
 LISA A. WIENER
 DATE: _____ REGISTRATION NO. 13569

THE EAST RIVER ROYAL
 PLANNING & DESIGN
 P.O. BOX 1000
 FARMINGTON, MN 55020-1000
 TEL: (651) 266-7800
 FAX: (651) 266-7803

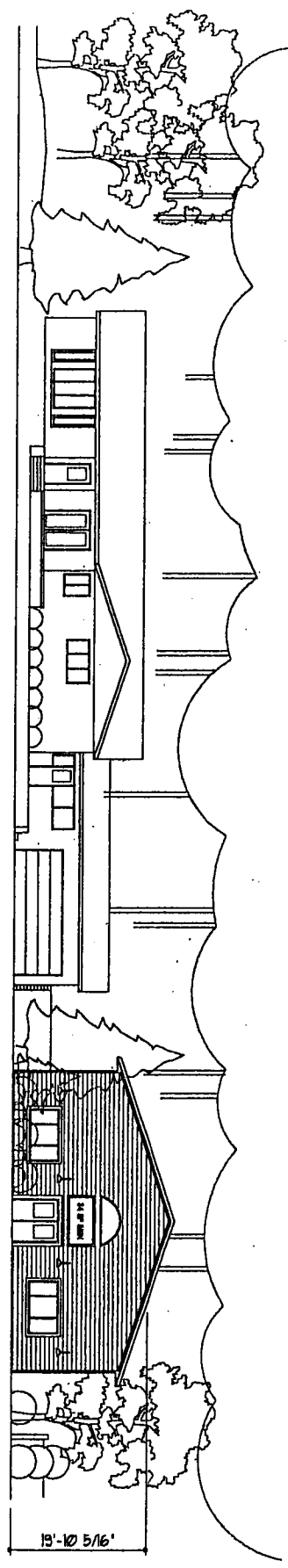
design
 construction
 options

A1

HONEST BIKE SHOP
 PROPOSED NEW BUILDING
 2311 SOUTH BROADWAY, ROCHESTER MN

DATE: 12/17/12
 DRAWING: 10000
 KEYWORD:

75



1
A2 SCHEMATIC ELEVATION
SCALE: 1/8" = 1'-0"



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.
LESA BERNER
DATE: REGISTRATION NO. 20049

A2

331 EAST RIVER RD NE
ROCHESTER, MN 55906
TEL: (507) 280-1996
FAX: (507) 280-1995

HONEST BIKE SHOP PROPOSED NEW BUILDING

2311 SOUTH BROADWAY, ROCHESTER MN

DATE: 10/6/07
DRAWING: 1012/01
REVISIONS:

REVISED 11/20/02

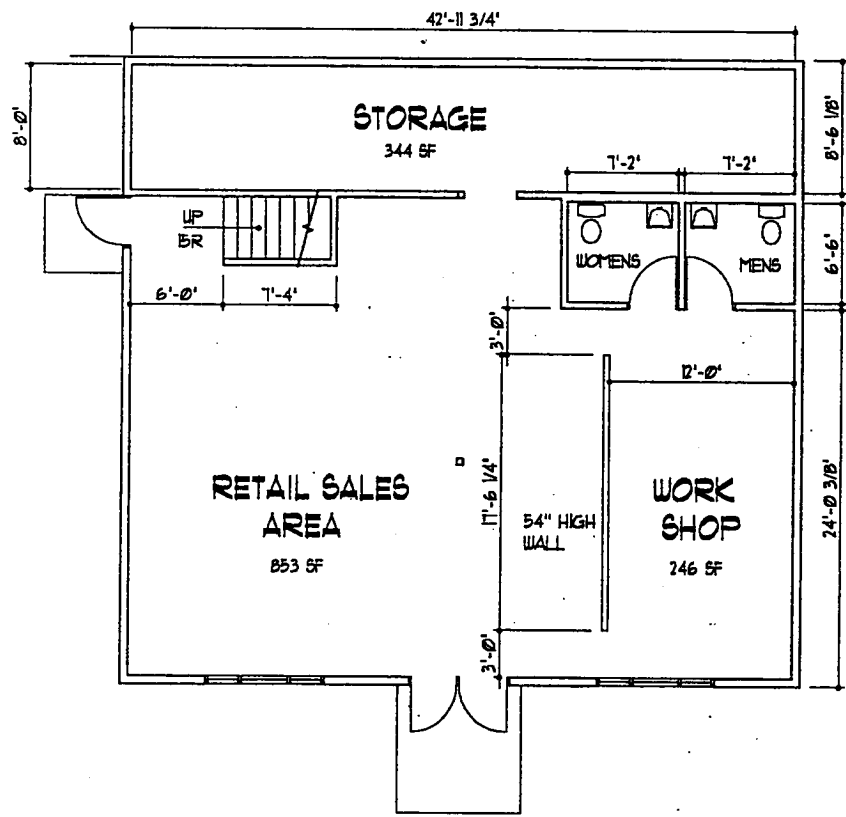
DATE: 11/20/02	DRAWING: 11/20/02	REVISION:
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HONEST BIKE SHOP
PROPOSED NEW BUILDING
 2311 SOUTH BROADWAY, ROCHESTER MN

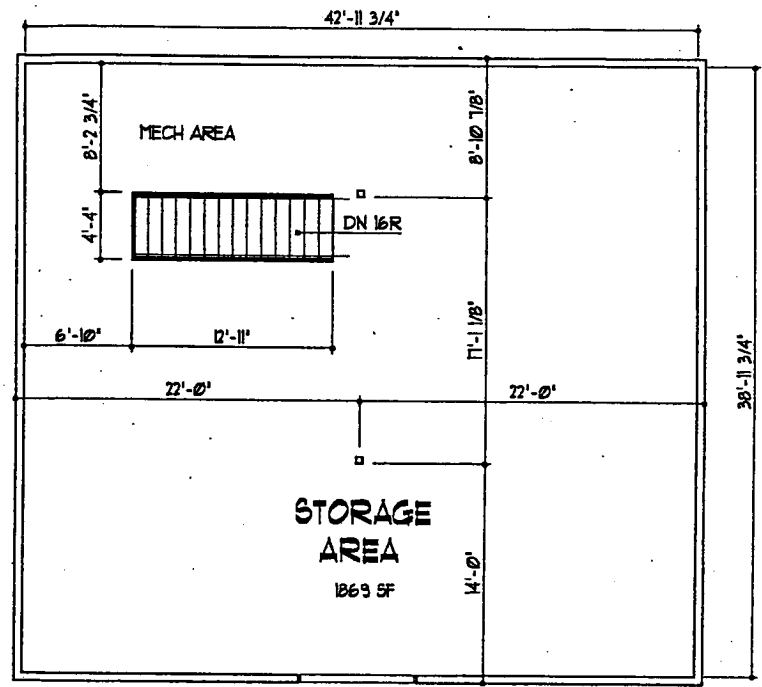
301 EAST RIVER RD NE
 ROCHESTER, MN 55906
 PH: (507) 284-1100
 FAX: (507) 284-1103

design construction options

A3



1
 A3
PROPOSED MAIN FLOOR PLAN
 SCALE: 1/8" = 1'-0"



2
 A3
PROPOSED UPPER FLOOR PLAN
 SCALE: 1/8" = 1'-0"

REVISED

NORTH

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

LISA A. MEINER
 DATE: _____ REGISTRATION NO. 23095

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

77 /

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 12/27/02

The Department of Public Works has reviewed the **REVISED** application for Restricted Development Plan #02-54 for the Honest Bike Shop (2311 South Broadway) proposal. The following are Public Works comments on this proposal from 11/5/02. New comments are indicated in **BOLD**, while prior comments that have been addressed or are no longer applicable are shown with ~~STRIKETHROUGH~~:

1. Separate Grading Plan approval is required for this project if grading will involve more than 50 cubic yards of material.
2. Storm water management must be provided, and a Storm Water Management fee will be applicable to any NEW areas of impervious surface.
3. ~~The existing curb out to the Frontage Road appears to be approximately 108 feet in width. The maximum allowed width is 32 feet and since the proposed retail business is a change of use, the curb out for this property must be brought into compliance as a condition of approval for the proposed commercial development. Restoration of curb & gutter for the reduced curb out is required concurrent with development.~~
4. ~~The proposed parking layout is not acceptable as it would require vehicles to back onto the Frontage Road to exit the property. An on-site turn around must be provided as part of the proposed development.~~
5. ~~A revised site plan should be required to address the comments in #3 & #4 above.~~
6. Concrete sidewalk is required along the entire frontage of this property. The Owner may request and execute a Pedestrian Facilities Agreement in lieu of constructed the required sidewalk concurrent with development of this property.
7. There is an executed Utility Connection Agreement for this Property. Payment of relevant charges is subject to the terms of the Agreement
8. Approval of a Revocable Permit is required for the proposed parking within the ROW.

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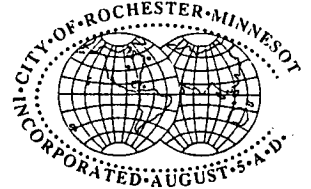
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



COUNTY OF
Olmsted

www.olmstedcounty.com/planning



TO: City Planning & Zoning Commission

FROM: Brent Svenby, Planner

DATE: December 31, 2002 **REVISED**

RE: Type III, Phase II Restrictive Development #02-54 Preliminary Plan by Paul Myrhom to construct a 3,520 square foot building (2 story) to be used for a retail business (bike shop). The property is located in the R-2 (Low Density Residential) zoning district and the address is 2311 South Broadway.

Planning Department Review

Applicant: Paul Myrhom
431 4th Avenue SE
Rochester, MN 55904

Consultant: Design Construction Options
Attn: Lisa Wiesner
3131 East River Road NE
Rochester, MN 55906

Property Location and Size: The property address is 2311 South Broadway.
The size is approximately 41,260 square feet.

Zoning: The property is zoned R-2 (Low Density Residential) district.

Adjacent Land Uses: North: Single family residential homes in the R-2 (Low Density Residential) zoning district.

South: Single family residential homes in the R-2 (Low Density Residential) zoning district.

East: Across South Broadway (Highway 63) is Wal-Mart which is zoned M-1 (Mixed Commercial-Industrial).

West: Single family residential homes zoned R-1 (Mixed Single Family Residential).

Summary of Proposal: The original proposal consisted of a building 44 foot by 48 foot 2 story building north of the existing house on the property. The proposed use of the

BUILDING CODE 507/285-8345 • GIS/ADDRESSING/MAPPING 507/285-8232 • HOUSING/HRA 507/285-8224

PLANNING/ZONING 507/285-8232 • WELL/SEPTIC 507/285-8345

FAX 507/287-2275



AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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building is that of a retail business to sell bicycles and accessories. The main floor of the building would be for retail sales while the second floor would be used for storage. The applicant wishes to relocate his existing business, Honest Bike Shop, to this location.

Currently the existing curb cut to the Frontage Road is approximately 108 feet in width. The maximum allowable curb cut is 32 feet in width. If this proposal is approved, the curb cut will need to be reduced to a 32 foot wide opening. The proposed parking layout does not meet standards on the zoning ordinance. Using the aerial photo and parcel maps it would appear that the proposed parking is actually in the right-of-way (see Exhibit A). On the proposed site plan the right-of-way line would be approximately a line drawn west of the proposed parking spaces (see Exhibit B).

According to the information submitted, the current business would be downsized approximately 30% by moving to this location. Signage and lighting would be consistent with an office use in the R-2 zoning district. The number of employees would consist of 1 full-time and 2 or 3 part-time employees. The hours of operation would be as follows:

Sunday	Closed
Monday	Closed
Tuesday	9am – 7pm
Wednesday	9am – 7pm
Thursday	9am – 7pm
Friday	9am – 6pm
Saturday	9am – 5am

The Council held a public hearing on December 9th. The public hearing was continued to allow time to review a revised site plan presented at the meeting and to meet with the neighbors. The revised plan proposes a 3,520 square foot (44' x 40') building instead of a 4,224 square foot building. The first floor of the building would contain 853 sq. ft of retail sales area, 344 sq. ft of storage, 246 sq. ft for a workshop and public restrooms. The second story would be used for storage.



The applicant worked with the City of Rochester Public Works Department on the access to the property. The revised site plan does provide an access that is okay with public works. Based on 853 sq. ft of retail sales area, 5 parking spaces are required which are provided on the site plan. However 2 of the required parking spaces are within the right-of-way of the Frontage Road and would require to be approved through a revocable permit granted by the City Council.

The location of the building still does not meet the typically setback in the R-2 zoning district. The building is located 20 feet from the right-of-way line of the front road. The typically front yard setback is 25 feet.

The applicant has previously stated that he would be downsizing his business from what he currently operates. However he is proposing to construct a 3,520 sq. ft building which is similar in size to the building (~3,600 sq. ft) in which the business is currently located. If the intention is to downsize the business the proposed building should not need to be similar in size to the current building.

History of the Property:

The previous owner of the property, prior to the property being annexed into City, operated a roofing company out of a building on the property. There was also outdoor storage of equipment used in the roofing company. According to aerial photos, it appears that the building was torn down sometime during late 1997 or early 1998. The building used for the roofing company was in approximately the same location of the proposed building.

Utilities:

Utilities are available to serve the property. The property is within the Golden Hill High Level Water System Area. The static water pressure within this property ranges from the low to mid 90's PSI. The builder will need to install a pressure-reducing device near to domestic water meter as required by the Minnesota Plumbing Code. Any utilities that need to be relocated because of the building will be

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the cost of the applicant. There is an executed Utility Connection Agreement for this property.

Referral Agency Comments:

Rochester Public Works Department
Rochester Fire Department
RPU Water Division
Qwest
RPU Operations Division
MnDOT
Planning Dept- Wetlands Division

Attachments:

Location Map
Site Plans
Referral Comments (5 letter)
Letter from neighboring resident
Exhibits A & B

EXPLANATION OF APPLICATION AND REVIEW PROCEDURES:

The applicant is proposing to develop a retail trade business (bike shop) in the R-2 (Low Density Residential) zoning district. Since retail trade businesses are not a permitted use in the R-2 zoning district, the applicant has proposed the development by proceeding through the Restricted Development provisions.

The Restricted Development provisions of the Zoning Ordinance and Land Development Manual (Section 62.700) recognize that certain land uses which are generally not allowed within a given zoning district can, if regulated, "serve both the public interest and allow a more equitable balancing of private interests than that achieved by strict adherence to standard zoning regulations". This application requires a two step review process, consisting of a preliminary plan and a final plan. The preliminary plan phase follows the Type III, Phase II, procedure with a hearing before the Planning Commission and a hearing before the Council. The final plan phase follows the Type III, Phase III, procedure with a review before the Planning Commission and a hearing before the City Council.

The review of a Restricted Development is necessary to insure that it will not be of detriment to and is designed to be compatible with land uses and the area surrounding its location; and that it is consistent with the objectives and purposes of this ordinance and the comprehensive plan.

The Planning Staff offers the following comments concerning each of the 11 criteria (section 62.708) on which the Preliminary Development Plan is to be evaluated:

- (A) **Capacity of Public Facilities:** Utilities are available to serve the property. The property is within the Golden Hill High Level Water System Area. The static water pressure within this property ranges from the low to mid 90's PSI. The builder will need to install a pressure-reducing device near to domestic water meter as required by the Minnesota Plumbing Code. Any utilities that need to be relocated because of the

building will be the cost of the applicant. There is an executed Utility Connection Agreement for this property.

- (B) **Geologic Hazards:** This site is not known to contain any of the listed geologic hazards. No Wetlands are located on the site.
- (C) **Natural Features:** The proposed location of the building is on relatively level ground. To the west of the proposed building there is an existing retaining wall and the property slopes up from that point.
- (D) **Residential Traffic Impact:**
- a) The proposed use should not cause traffic volumes to exceed planned capacities on the existing roadway. The property gets its access of the frontage roadway of South Broadway which has a signalized intersection at 25th Street SW.
 - b) According to information submitted by the applicant, deliveries occur on average 2 times per week. Occasionally there is a delivery of large supply of bicycles. These deliveries would be delivered to storage units. The property takes its access from the frontage road of South Broadway.
 - c) The proposed development would create additional traffic during the evening hours on the frontage roadway which provides access to the property. There are a number of residential homes located on this roadway.
- (E) **Traffic Generation Impact:** The proposed use should not cause traffic volumes to exceed planned capacities on the existing roadway. The property gets its access of the frontage roadway of South Broadway which has a signalized intersection at 25th Street SW.
- (F) **Height Impacts:** The proposed height of the building is within the permitted height limits of the R-2 zoning district. Non-residential uses in the R-2 zoning district are allowed a maximum height of 24 feet.
- (G) **Setbacks:** The proposed building does not meet setback requirements consistent with other uses permitted in the R-2 zoning district. The proposed location of the building is setback only 20 feet from the right-of-way for South Broadway. The required front yard setback is 25 feet in the R-2 zoning district. The proposed building would need to be moved to the west 5 feet in order to be consistent with the front yard requirement found in the R-2 zoning district.
- (H) **Internal Site Design:** The proposed layout of the property does not meet standards of the City's Zoning Ordinance. The site plan identifies the parking for the use as being within the right-of-way of South Broadway. Currently the existing curb cut to the Frontage Road is approximately 108 feet in width. The maximum allowable curb cut is 32 feet in width. The site plan identifies a 24 foot wide opening for the proposed parking for the business and 12 foot wide opening for the driveway serving the home. Since parking for the proposal is shown in the right-of-way, approval of a Revocable Permit is required by the City Council.

- (I) **Screening and Buffering:** The proposed site plan provides an "E" bufferyard along the north property line. This bufferyard is consistent with what would be required for nonresidential uses adjacent to a single family residential unit in the R-2 zoning district.
- (J) **Ordinance Requirements:** The proposed parking layout does not meet standards in the City of Rochester Zoning Ordinance and Land Development Manual. According to the Zoning Ordinance, parking must be provided on the lot and not within right-of-way. Since parking for the proposal is shown in the right-of-way, approval of a Revocable Permit is required by the City Council.
- (K) **General Compatibility:** The proposed expansion does not seem compatible with the existing neighborhood. The surrounding properties are all used for single family residences. At one time this property had a commercial use on it, a roofing business, however the building housing the commercial use was torn down sometime during 1997 or 1998. Since that time the property has operated as a single family use. The proposed site plan does not conform with the standards of the zoning ordinance pertaining to setbacks and parking. Maybe the site could be redesigned with a smaller building and only be one story. With a smaller building and only being one story the use could be compatible with the neighborhood.

STAFF RECOMMENDATION:

Staff has reviewed this request in accordance with the applicable standards and provisions, as included in this report. Based upon the finding that the parking spaces proposed are within the right-of-way, the design of the parking does not meet the standards of the City of Rochester Zoning Ordinance and Land Development Manual and that the building doesn't meet the setback requirements, staff recommends denial of the proposed Restrictive Development preliminary plan application.

If the Council does approve this Preliminary Plan different findings to the criteria of Section 62.708 would need to be adopted by the Council. Conditions should be placed on the development that limits the amount of area designated for retail sales, parking within the right-of-way, stormwater management and pedestrian facilities.

CITY OF ROCHESTER
ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL
EXCERPTS

62.706 **Standards for Approval, Preliminary Development Plan:** The Council shall approve a preliminary development plan if it finds that the development has addressed and satisfied all the criteria listed in Paragraph 62.708(1), or that a practical solution consistent with the public interest can be incorporated into the final development plan, or a modification for unmet criteria has been granted as provided for in Paragraph 62.712.

62.708 **Criteria for Type III Developments:** In determining whether to approve, deny, or approve with conditions an application, the Commission and Council shall be guided by the following criteria:

I. **Preliminary Development Plan Criteria:**

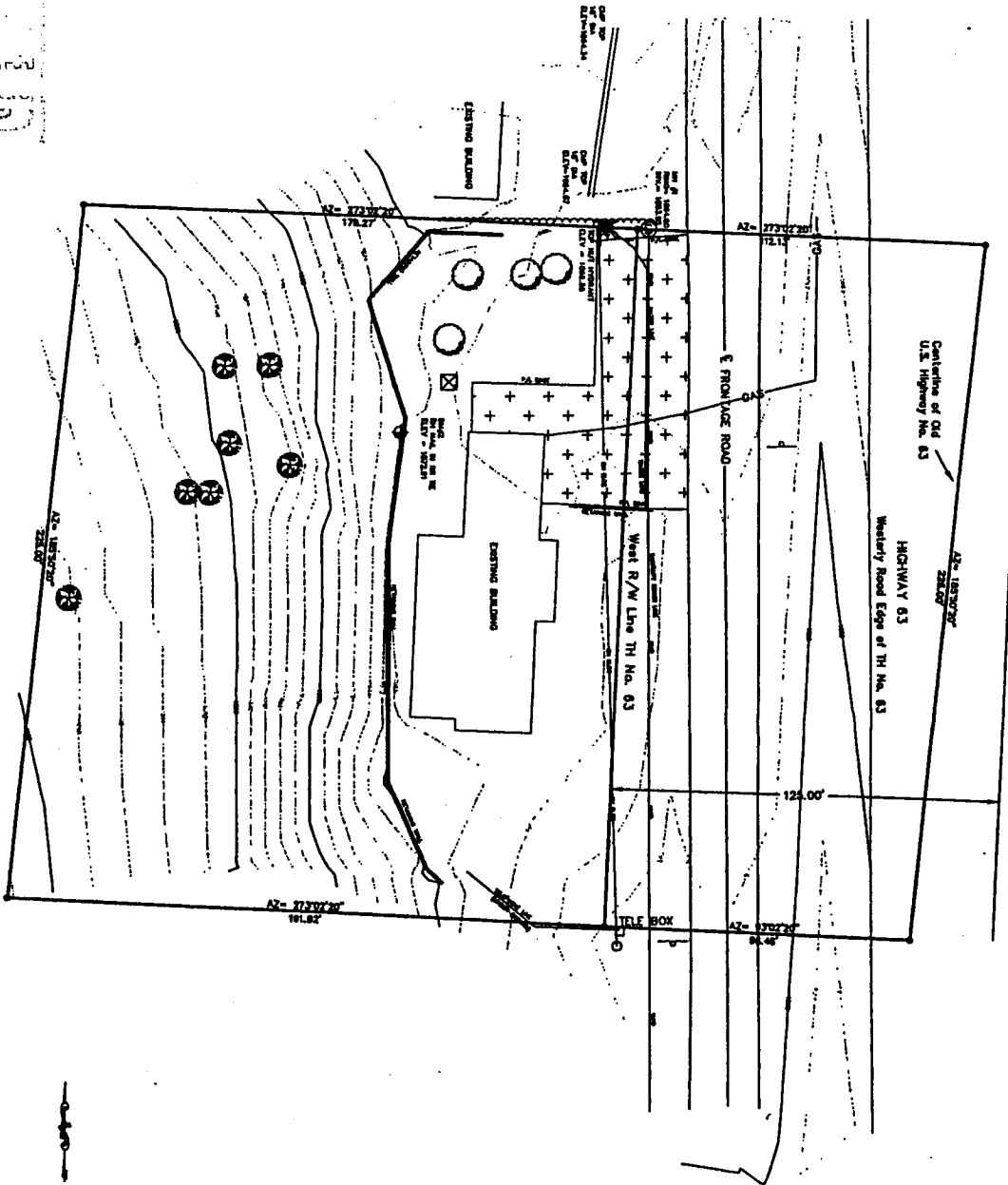
- A. **Capacity of Public Facilities:** The existing or future planned utilities in the area are adequate to serve the proposed development.
- B. **Geologic Hazards:** The existence of areas of natural or geologic hazard, such as unstable slopes, sinkholes, floodplain, etc., have been identified and the development of these areas has been taken into account or will be addressed in the Phase II plans.
- C. **Natural Features:** For developments involving new construction, the arrangement of buildings, paved areas and open space has, to the extent practical, utilized the existing topography and existing desirable vegetation of the site.
- D. **Residential Traffic Impact:** When located in a residential area, the proposed development:
 - 1. Will not cause traffic volumes to exceed planned capacities on local residential streets;
 - 2. Will not generate frequent truck traffic on local residential streets;
 - 3. Will not create additional traffic during evening and nighttime hours on local residential streets;
- E. **Traffic Generation Impact:** Anticipated traffic generated by the development will not cause the capacity of adjacent streets to be exceeded, and conceptual improvements to reduce the impact of access points on the traffic flow of adjacent streets have been identified where needed.
- F. **Height Impacts:** For developments involving new construction, the heights and placement of proposed structures are compatible with the surrounding development. Factors to consider include:
 - 1. Will the structure block sunlight from reaching adjacent properties during a majority of the day for over four (4) months out of the year;

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2. Will siting of the structure substantially block vistas from the primary exposures of adjacent residential dwellings created due to differences in elevation.
- G. **Setbacks:** For developments involving new construction, proposed setbacks are related to building height and bulk in a manner consistent with that required for permitted uses in the underlying zoning district.
- H. **Internal Site Design:** For developments involving new construction, the preliminary site layout indicates adequate building separation and desirable orientation of the buildings to open spaces, street frontages or other focal points.
- I. **Screening and Buffering:** The conceptual screening and bufferyards proposed are adequate to protect the privacy of residents in the development or surrounding residential areas from the impact of interior traffic circulation and parking areas, utility areas such as refuse storage, noise or glare exceeding permissible standards, potential safety hazards, unwanted pedestrian/bicycle access, or to subdue differences in architecture and bulk between adjacent land uses.
- J. **Ordinance Requirements:** The proposed development includes adequate amounts of off-street parking and loading areas and, in the case of new construction, there is adequate landscaped area to meet ordinance requirements.
- K. **General Compatibility:** The relationship of the actual appearance, general density and overall site design of the proposed development should be compared to the established pattern of zoning, the character of the surrounding neighborhood and the existing land forms of the area to determine the general compatibility of the development with its surroundings.

TOPOGRAPHICAL SURVEY SECTION 14 T. 108 N. R. 14 W.

C/L R/W Line TH No. 63



OCT 15 2007

ROCHESTER
PLANNING DEPT.



LAND DESCRIPTION

Commencing at the SW corner of the NE 1/4 of Township 104, Range 14, Section 14, Township 104, Range 14, thence East along the South line of said NE 1/4 a distance of 1500 feet to the center line of Trunk Highway No. 63, thence running North 2° East along the center line of said Trunk Highway No. 63, a distance of 1500 feet to a point of beginning containing a 2° angle, thence East a distance of 225 feet, thence West parallel with the South line of said NE 1/4 a distance of 280.4 feet, thence South 2° West a distance of 225 feet, thence East parallel with the South line of said NE 1/4 a distance of 280.4 feet to the place of beginning.

LEGEND

- BORN WITH PLAIN CO.
- STUMPED & LOST BY
- ROAD MONUMENT
- TELEPHONE BOX
- SANITARY MANHOLE
- FIRE HYDRANT
- UTILITY POLE
- SANITARY SEWER MANHOLE
- ELECTRIC BOX
- TIE EDGE
- BLACK CONTAIN
- CONCRETE TIE
- DECORATIVE TIE
- BATHROOM SURFACE

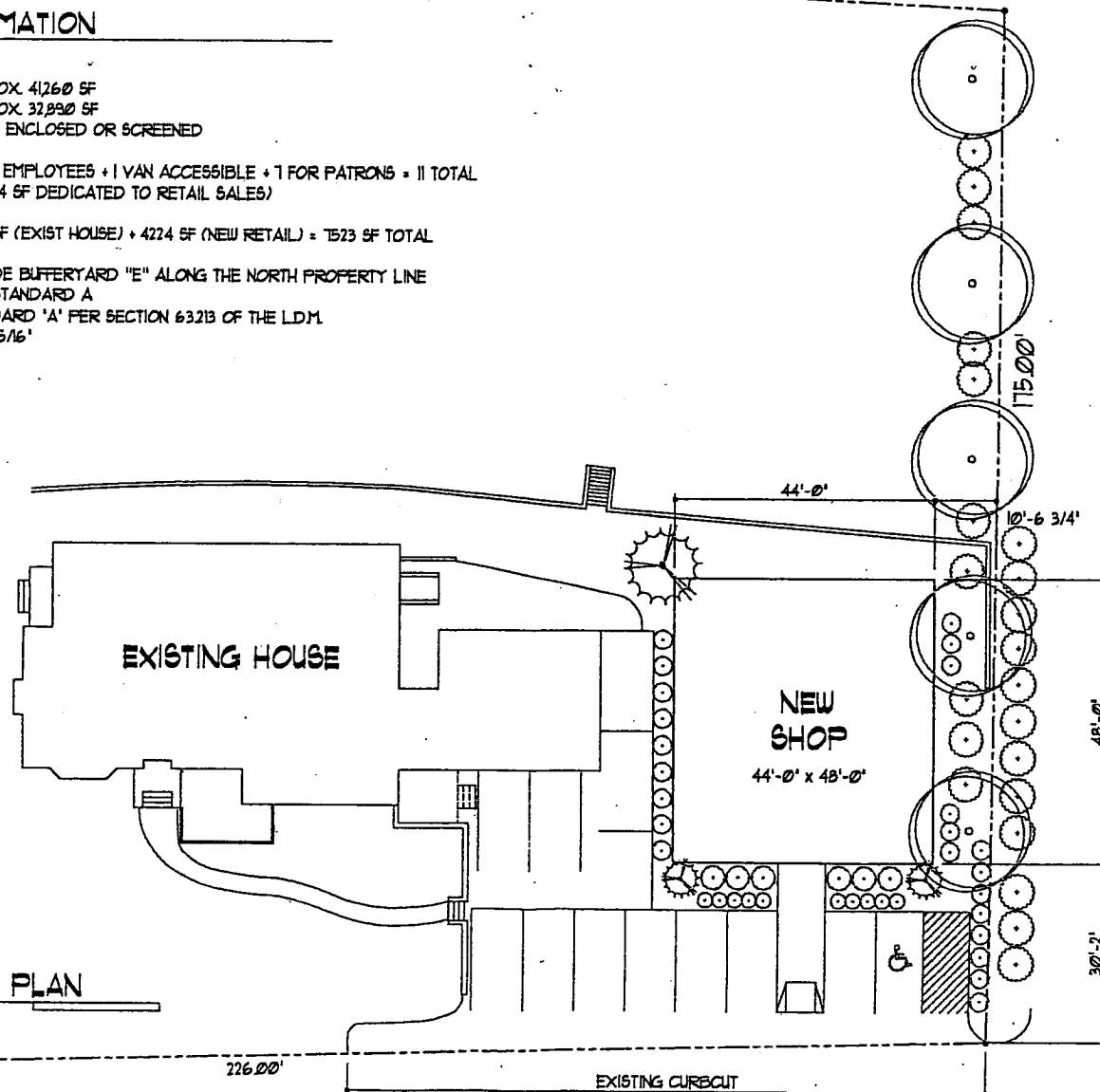
Engineering
 Surveying
 Planning
 1000 N. 1st St.
 Rochester, MN 55904
 Phone: 507.255.1234
 Fax: 507.255.1235
 Email: info@ggginc.com

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ZONING: R2
SITE AREA: APPROX. 41,260 SF
GREEN SPACE (10%): APPROX. 3,290 SF
TRASH: TO BE ENCLOSED OR SCREENED
FLOOR AREA RATIO: 1823 %
PARKING: 3 FOR EMPLOYEES + 1 VAN ACCESSIBLE + 7 FOR PATRONS = 11 TOTAL
OCCUPANCY: M (1584 SF DEDICATED TO RETAIL SALES)
CONSTRUCTION TYPE: VN
BUILDING SIZE: 3299 SF (EXIST HOUSE) + 4224 SF (NEW RETAIL) = 7523 SF TOTAL
SPRINKLERING: NO
BUFFERYARDS: 10' WIDE BUFFERYARD "E" ALONG THE NORTH PROPERTY LINE
SIGNAGE: SIGN STANDARD A
LIGHTING: STANDARD 'A' PER SECTION 63213 OF THE L.D.M.
BUILDING HEIGHT: 19'-10 5/16'



SCALE: 1" = 20'-0"



NORTH

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

LISA S. EISENE

DATE _____ REGISTRATION NO. 2354

RECEIVED
OCT 15 2002
ROCHESTER DISTRICT

design construction options

A1

**HONEST BIKE SHOP
POSED NEW BUILDING**

311 SOUTH BROADWAY ROCHESTER MN

88

Property Line

FRONTAGE ROAD



CODE INFORMATION

ZONING: R2
 SITE AREA: APPROX. 41,260 SF
 GREEN SPACE (10%): APPROX. 3,280 SF
 TRASH: TO BE ENCLOSED OR SCREENED
 FLOOR AREA RATIO: 10.23 %
 PARKING: 3 FOR EMPLOYEES + 1 VAN ACCESSIBLE + 1 FOR PATRONS = 5 TOTAL
 OCCUPANCY: M (1584 SF DEDICATED TO RETAIL SALES)
 CONSTRUCTION TYPE: VN
 BUILDING SIZE: 3299 SF (EXIST HOUSE) + 4224 SF (NEW RETAIL) = 7523 SF TOTAL
 SPRINKLERING: NO
 BUFFERYARDS: 10' WIDE BUFFERYARD "E" ALONG THE NORTH PROPERTY LINE
 SIGNAGE: SIGN STANDARD A
 LIGHTING: STANDARD 'A' PER SECTION 63.213 OF THE L.D.M.
 BUILDING HEIGHT: 19'-10" 5/16"

192.00'

224.00'

right of way line
 approximate location



PROPOSED SITE PLAN

SCALE: 1" = 20'-0"

EXISTING HOUSE

NEW SHOP
 44'-0" x 48'-0"

226.00'

EXISTING CURB CUT

Exhibit B

NORTH

RECEIVED
 OCT 15 2002
 REQUESTED/CONSIDERED
 PLANNING DEPARTMENT

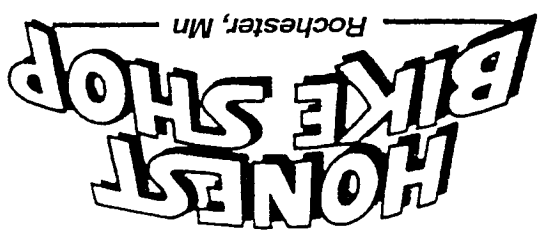
HONEST BIKE SHOP
 PROPOSED NEW BUILDING
 SOUTH BROADWAY, ROCHESTER MN

201 EAST BROADWAY
 ROCHESTER, MN 55901
 TEL: (507) 286-2800
 FAX: (507) 286-2805

design
 construction
 options

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION,
 OR REPORT WAS PREPARED BY ME OR UNDER
 MY DIRECT SUPERVISION AND THAT I AM A DULY
 REGISTERED ARCHITECT UNDER THE LAWS OF
 THE STATE OF MINNESOTA.
 LISA S. WERNER
 DATE _____ REGISTRATION NO. 13569

A1



431 4th Ave. S.E., Rochester, MN 55904
507-281-5645

Mission :

Downsize our current operation by about 30% to be a smaller operation of business

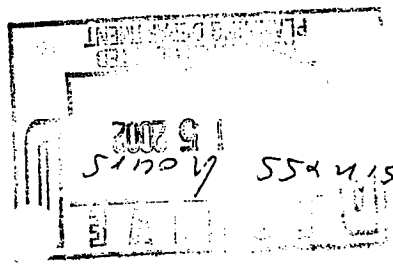
Employees 1 full time
2 or 3 part time

~~Hours of operation~~

Tues. 9-7
Weds 9-7
Thurs 9-7
Fri 9-6
Sat 9-5
Sun always closed
Mon always closed

No Rep Machines

Majority of Seasonal truck deliveries to be delivered to storage units at Lock Away Storage 282-9867



Lighted sign will not be lit past business hours



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October 24, 2002

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Type III, Phase II, Restricted Development #02-54 by Paul Myhrom to construct a 4224 SF building to be used for a retail business at 2311 South Broadway.

Dear Ms. Garness:

Our review of the referenced Restricted Development Request is complete and our comments follow:

1. This property is within the Golden Hill High Level Water System Area. The static water pressure within this property ranges from the low to mid 90's PSI. The builder must install a pressure-reducing device near the domestic water meter as required by the Minnesota Plumbing Code.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention Bureau
Gale Mount, Building & Safety
Paul Myhrom
GGG, Inc.
Design Construction Options

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The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: October 29, 2002

TO: Jennifer Garness, Planning

FROM: Lyle Felsch, Deputy Chief

SUBJ: Type III, Phase II Restrictive Development #02-54 Preliminary Plan by Paul Myrhom for a new retail bike shop building, located at 2311 South Broadway.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
 2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 3. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division
Paul Myrhom, 431 4th Avenue SE, Rochester, MN 55904
GGG Inc., 14070 Hwy 52 SE, Chatfield, MN 55923
Design Construction Options, 3131 East River Rd NE, Rochester, MN 55906

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Rochester Building Safety Department

2122 Campus Drive SE
Rochester, MN 55904
(507) 281-6133
Fax (507) 287-2240

Memo

To: Jennifer Garness, Planning Department
From: Randy S. Johnson
CC: Paul Myrhom
GGG, Inc.
Design Construction Option
Ken Heppelmann, Plan Review Technician
Paul Armon, Plan Review Technician
Date: October 30, 2002
Re: Type III, Phase II Restrictive Development #02-54 Preliminary Plan by Paul Myrhom to construct a 4,224 square foot building (2 story) to be used for a retail business (bike shop). The property is located in the R-2 (Low Density Residential) zoning district and the address is 2311 South Broadway.

The above referenced project indicates new construction that is regulated under the Building Code and will require building permits.

The drawings provided appear to indicate that the proposed building is located near the property line and an existing house. Depending on the distance to the property line and the existing house, the proposed building and possible the existing house may need fire rated exterior walls and protected openings in accordance with the building code.

Also, the accessible parking space serving a building shall be located on the shortest accessible route of travel from the parking to the building entrance.

Complete plans and specifications, that are prepared and certified by the appropriate design professionals, are required to be submitted for review and a building permit prior to construction and occupancy.

Please let me know if you have and questions or concerns.

Thank You

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ROCHESTER-OLMSTED PLANNING DEPARTMENT
2122 CAMPUS DRIVE SE - SUITE 100
ROCHESTER, MN 55904
PHONE (507) 285-8232
FAX (507) 287-2275

Date: October 17, 2002
To: Agencies Indicated Below
From: Jennifer Garness, Planning Department
Subject: Type III, Phase II Restrictive Development #02-54 Preliminary Plan by Paul Myrhom to construct a 4, 224 square foot building (2 story) to be used for a retail business (bike shop). The property is located in the R-2 (Low Density Residential) zoning district and the address is 2311 South Broadway.

This application is scheduled for consideration by the City Planning and Zoning Commission on November 13, 2002, in the Council/Board Chambers of the Government Center, 151 4th Street SE. In order for the Planning Department to prepare a thorough review of this application, we would appreciate receiving your comments by **November 1, 2002**. You may also appear at the meeting if you so desire. Your cooperation and assistance is greatly appreciated. *If you have comments, in addition to forwarding them to the Planning Department, please send a copy to:*

Paul Myrhom
431 4th Avenue SE
Rochester MN 55904
(507) 288-8888

GGG, Inc.
14070 Hwy 52 SE
Chatfield MN 55923
(507) 867-1666

Design Construction Options
3131 East River Rd NE
Rochester MN 55906
(507) 280-1998

City Agencies

1. Public Works
Richard Freese
2. Fire Department
Lyle Felsch
3. Crime Prevention
Darrel Hildebrandt, Gov. Center
4. Crime Prevention
Steve Woslager
5. RPU Operations Division
Mike Engle
6. RPU Water Division
Donn Richardson
7. Park & Recreation
Denny Stolz
8. Building Safety
Ron Boose
9. City Attorney
Dave Goslee
10. Downtown Dev. Dist.
Doug Knott
11. City Administration
Terry Spaeth
12. Susan Waughtal
Neighborhood Organizer
13. Transportation Planner
Charlie Reiter
14. John Harford, Planning Dept.

County Agencies

15. Health Department
Rich Peter
16. Public Works
17. GIS Division
Randy Growden
18. Environmental Resource
Services

Other Agencies

19. School Board
Jeff Kappers
20. Aquila
Neal Clausen
21. Aquila
Rory Lenton
22. Qwest
Julie Schletty
23. Charter Communications
24. MN DOT
Dale Maul
25. Post Office
Supervisor
26. MN DNR
Bob Bezek
27. SWCD
28. Peoples Coop
Rick Wellik
29. Peoples Coop
Sandy Sturgis
30. Township Officers
(for annexations only)
31. CUDE, Design Review Committee
Christine Schultze
32. MSHA
William Owen
(ONLY for mining, quarrying, sand & gravel operations)

*Qwest does not
object. However, if
tel cable needs to be
moved - all charges
will be billed to
owner in advance.
(The Weber)
285-3634*

95 /

November 02. 2002

Rochester-Olmsted Planning Dept
2122 Campus Drive SE Suite 100
Rochester, MN 55904

RE: Type III, Phase II Restrictive Development #02-54
Preliminary Plan by Paul Myrom to construct a 4,224
square foot building (2 story) to be used for retail
business (bike shop). The property is located in the
R-2 (Low Density) Residential) zoning district and the
address is 2311 South Broadway.

Gentlemen:

The above should not be approved. When 2311 was zoned that way - the area was different. Basically when the roofing business closed, that property should have been rezoned to be compatible to the traffic and area we have now. The traffic from the twelve homes on 23rd ST, top of the hill cul de sac and 2nd Ave SW, and the others that use 23rd and the frontage road for access to highway 63 and the shopping center - a retail business will only make it worse.

A retail business would generate more traffic from buyers, salesmen, and deliveries. I doubt the frontage road was built for that much traffic and certainly the access to the frontage road off 63 is not good.

A two story building with that much square footage would lower the value of the house next to it and make it harder to sell and also affect the resale of the homes on 23rd.

We have to put up with the shopping center on the east side of Highway 63, the increased traffic and noise. Please keep things in perspective - keep the west side residential with no retail.

Sincerely yours,



Virginia M. Blakley
13 - 23 St SW
Rochester, MN 55902-2348

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November 10, 2002

Rochester City Planning and Zoning Committee:

SUBJECT: Opposition the Type III - Paul Myrhom

I am definitely opposed to the thought of Paul Myrhom building a 4,224 square-foot building to be used for retail business in this area. This retail business would be very detrimental on all who live at Tamarisk. We have enough problems with noise and traffic and this would greatly increase that problem. We have many, many children in this area who like to run and play and this could cause some serious accidents, even deaths, with much more traffic. The value of our homes would decrease significantly, including the homes on Meadow Run Dr.

Perhaps Paul Myrhom should consider a building in the retail area across the street from Tamarisk, this would seem much more appropriate.

Sincerely,



Shirley Riley
5B Meadow Run Dr. S.W.
Rochester, MN 55902

Ms. Petersson agreed with Mr. Haeussinger.

Ms. Wiesner stated that every single piece of property that comes through an annexation is zoned to the R-1 zoning district classification.

Ms. Haeussinger stated that the applicant still needed to apply the findings through a rezoning.

Ms. Rivas stated that finding C clearly applies in other instances and this one that they are furthering the policies and goals to the comprehensive plan. It is still low density.

Mr. Burke stated that the overall zoning plan is transitional zones. Generally, you would not find R-1 along a higher classified roadway. The use of transitional zoning districts are used to buffer from roadways.

Mr. Staver expressed concern with the traffic impact. He stated that there are few access points into the entire area.

The Commission took a break to change meeting tapes.

The motion to approve failed 2-5, with Mr. Quinn, Ms. Rivas, Mr. Staver, Ms. Petersson and Mr. Haeussinger voting nay, and Mr. Ohly abstaining.

Discussion ensued regarding findings.

Mr. Haeussinger moved to recommend denial of Zoning District Amendment #02-12 by Century Pointe LLC based on the lack of evidence presented by the applicant as a basis to rezone the property. Ms. Petersson seconded the motion. The motion carried 5-2, with Mr. Burke and Ms. Wiesner voting nay and Mr. Ohly abstaining.

FINDINGS:

1. The findings or evidence was not presented by the applicant to support a rezoning.
2. Rezoning this property would not help furthering the policies and goals found in Chapter 2 and 3 of the of the Rochester Urban Service Area Land Use Plan.
3. It would not be appropriate on this property because it would not be compatible with the adjacent properties.

Ms. Petersson moved to recommend denial of General Development Plan #191, by Century Pointe, LLC to be known as Century Point Townhomes based on the denial of the zoning district amendment. Mr. Haeussinger seconded the motion. The motion carried 5-2, with Mr. Burke and Ms. Wiesner voting nay and Mr. Ohly abstaining.

Ms. Baker explained that the requests would be heard before the City Council on Monday, December 9, 2002, unless the applications were withdrawn.

* Type III, Phase II Restrictive Development #02-54 Preliminary Plan by Paul Myrhom to construct a 4, 224 square foot building (2 story) to be used for a retail business (bike shop). The property is located in the R-2 (Low Density Residential) zoning district and the address is 2311 South Broadway.

Ms. Wiesner stepped down as a Commissioner for this request.

Mr. Brent Svenby presented the staff report, dated November 8, 2002, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby stated that the applicant submitted a letter tonight changing their plans to a smaller building. He explained that, if the applicant wanted the Commission and staff to review the new proposal, they would need to withdraw their current application and submit a new one with the proposal he handed out to the Commissioners tonight. He stated that a site plan was not submitted by the applicant this evening. One of the major issues was parking for the property being within the right-of-way of Broadway.

Mr. Haeussinger asked how many parking spots were required based on square footage.

Mr. Svenby responded that the site plan currently shows 11 spaces. He stated that they are required to have 1 space for every 200 square feet of floor area.

Mr. Svenby stated that the topographical survey shows that the right-of-way is 20 feet in front of house

The applicant's representative, Mr. Dave Patterson, of 1820 2nd Street SW, Rochester MN, addressed the Commission. He stated that the Restricted Development process was meant to add flexibility. He stated that the Boelman family owned the property for over 40 years. Mr. Myhrom purchased the property after selling his to the County. He purchased it with the idea that he could run his business and live at the residence at the same time.

Mr. Patterson stated that the request was compatible with the neighborhood. There is a M-1 zoning district to the east of the property. He stated that he did not agree with the staff report stating that the request was not compatible with the existing neighborhood and did not conform to the standards of the Zoning Ordinance. He stated that the purpose of the Restricted Development process was to be flexible.

Mr. Patterson stated that the surveyor told him that there was approximately 24 ½ feet from the garage and existing right-of-way. The new proposal given to the Commission tonight moved the bike shop back so that it is in alignment with the existing home.

Mr. Patterson disagreed with the Public Works statement calling for a 32 foot curb cut on the property, because they have a change of use. There is currently 108 feet of access to the front of the property. Public works believes it should meet the current standards of 32 feet. This would void the opportunity of doing any additional development onto the garage.

Mr. Patterson stated that they would move the new building back to be in alignment with the house to give 25 feet from the right-of-way.

Mr. Patterson stated that Public Works asked for a concrete sidewalk. He stated that a concrete sidewalk would be dead ended on both ends, as there is nothing on the existing frontage that it would be connected to.

Mr. Patterson asked that the requests be moved forward.

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Mr. Quinn asked Mr. Patterson if he disagreed with Mr. Svenby's statement that he cannot have parking in the right-of-way.

Mr. Patterson replied that it is what the Zoning Ordinance states. Therefore, they would move the building back so that they could get the majority of the parking out of the right-of-way.

Mr. Quinn stated that, if it was moved back, it would only pick up 5 parking spots.

Mr. Patterson stated that, if they moved the building back, they would have the existing parking spaces across the front and a portion of them may extend into the right-of-way. He stated that, since it was not an office building, he questioned why they would need 11 spaces. He indicated that there would only be 2 to 3 part-time workers.

Mr. Staver asked if parallel parking was allowed on the street.

Mr. Svenby responded no.

Mr. Haeussinger asked what would prevent Mr. Myhrom from moving the building back further to get away from parking in the right-of-way.

Mr. Patterson replied that it would be a cost factor.

Mr. Ohly stated that the existing site plan was not acceptable due to parking and revised plans. He indicated that a new site plan needed to be submitted.

Mr. Svenby responded that staff would need to review a revised site plan. He explained that they may prepare different findings based on the revisions, since he prepared the staff report based on the materials submitted at time of application. Staff and the Commission did not receive any revised plans until several minutes before the meeting began. He explained that the Commission needed to take action on the request before them and not on something that was just given to them right before the meeting.

Mr. Ohly asked if it were better for the applicant to withdraw the application and resubmit one with revised plans.

Mr. Svenby responded yes.

Discussion ensued regarding process of resubmitting an application.

Mr. Patterson stated that he wanted to move forward as he wanted to start construction this winter.

Mr. Ohly stated that he did not feel that the Commission could vote on the application before them and the revised plans given to the Commission before the meeting.

Mr. Patterson stated that they would move the building back so that it is in alignment with the existing house and work with staff to come up with the appropriate parking spaces based on the actual usable retail space and move forward. He explained that tabling or withdrawing the application is detrimental to their process.

Ms. Rivas stated that part of the Restricted Development process is having an accurate site plan. She explained that they could not just approve it.

Mr. Patterson explained that it would go through a preliminary and final plan.

Mr. Burke asked if the applicant could do a preliminary and final plan at the same time.

Mr. Svenby explained that the issue is that staff needs to review a site plan that works. He stated that he could not see moving the request forward with the conditions saying that "they will work with staff on resolving parking issues." They could get to a point where there is no possibility that parking works on the site.

Mr. Staver stated that they may not have enough information to approve or deny procedurally.

Mr. Svenby stated that he reviewed the information submitted to the Planning Department. In order for staff to have a fair review of the proposed changes, they would need to start the process over again and revise the site plan (but still begin back at the preliminary stage of the site).

Mr. Ohly asked if there was any reason he could not submit the information at the final plan stage.

Mr. Svenby stated that the Ordinance allows the applicant to request waiver of the final plan. However, only the City Council could waive it if they felt they submitted enough information.

Ms. Baker explained that the Commission had an obligation to hold the public hearing. The application before the Commission was reviewed and submitted one month ago. If the applicant wants to amend the application, they would need to file new plans with the Planning Department so that they could circulate the new plans to all the referral agencies. Staff can not respond to hypothetical issues.

Ms. Baker explained that the driveway access issue needs to be discussed with the public agencies. She indicated that waiving the standard of a 32 foot driveway opening to allow for an 108 foot opening may not be acceptable with Public Works. If the applicant cannot get their site to work out with that change, they may need to look at additional revisions to the property and reducing the size of the building.

Ms. Baker stated that staff discussed that the size of the building seems to dominate the use of the property more so than it is a compliment to the property. The Restricted Development process is not intended to wipe clean all zoning regulations so that anything can be proposed.

Ms. Baker explained that the Planning Department does not have adequate information.

Mr. Patterson asked, if the Commission recommended denial of the application, would it proceed to the City Council.

Ms. Baker responded yes.

Mr. Patterson stated that the ultimate decision would be made by the City Council so the Commission could do whatever they wanted.

Ms. Rivas stated that the City Council would make a decision on what you originally proposed and have a site plan for.

Mr. Patterson stated that they would give an amended final design to the City Council.

Mr. Einer Hansen, of 124 23rd Street SW, Rochester MN, addressed the Commission. He stated that he called the state since they owned the street at one time. The state told them that they gave it to the County when they put in the 4-lane. It is considered a service drive and is only 25 feet wide. There is no parking on either side. The County gave the road to the City a few years ago. The traffic control engineer told him that they could not use a driveway for parking when you have a business. Also, they cannot back out of the parking space onto a roadway. There has to be a separate entrance.

Mr. Hansen expressed concern with the added traffic and safety of children riding their bikes on the road.

Mr. Robert Riggs, of 2307 Highway 63 S, Rochester MN, addressed the Commission. He stated that the reason that the right-of-way is back so far is due to the ditch. Blacktop was put there the fall of 1997. The Bojac Roofing building was torn down the fall of 1997. There was no blacktop, except for up to the driveway for the house, prior to 1997.

Mr. Riggs stated that he purchased the lot next to the business because he knew it was going away. Clarence was elderly and knew he was going to sell it to his son-in-law, therefore, loosing the grandfather clause and have the property revert back to residential.

Mr. Riggs stated that he did not want a building that is twice the size of his home to be so close. He expressed concern with parking and safety of children and parents walking. He explained that there is a walkover bridge that goes over to Walmart. He stated that there is plenty of commercial property across the Highway and that the proposal does not fit into the neighborhood.

Ms. Karen Machlica, of 119 23rd Street SW, Rochester MN, addressed the Commission. She stated that 18 people sitting in the audience for 6 ½ hours shows that they do not want a business in their residential area. She explained that the frontage road is very narrow and expressed concern with the safety of children and adults walking along the frontage road.

Ms. Petersson asked how long she had lived in the area.

Ms. Machlica responded 10 years.

Ms. Amy Johnson, of 12 23rd Street SW, Rochester MN, addressed the Commission. She stated that she lives three houses away from the proposed use and has lived there for 10 years. She stated that the service road is extremely narrow and already has safety concerns with people walking their animals, etc. She stated that two cars cannot meet on the road without one stopping to let the other go by first. She stated that snow gets pushed into that service road during winter, which brings additional safety concerns.

Mr. Darryl Peterson, 104 23rd Street SW, Rochester MN, addressed the Commission. He stated that the applicant is not only asking for a zoning change, but also a variance to the right-of-way and number of parking spots. He expressed concern with the already constrictive frontage road, especially in winter. He explained the safety hazards with regard to traffic and

pedestrians. He stated that the original drawing of the pitch of roof is different than the one showed by Mr. Patterson tonight.

Mr. Myron Jostock, of 2301 2nd Avenue SW, Rochester MN, addressed the Commission. He stated that his home was one of the first homes that was built in the area. He expressed concern with the additional traffic. He stated that he agreed with what all the other neighbors stated above.

Ms. Melissa Uhlmann, of 123 Meadow Run Drive SW, Rochester MN, addressed the Commission. She stated that she appreciated the Commission listening to the public and the decisions they make. She stated that she was disturbed that Mr. Patterson spoke insolently whether the Commission had a voice in making a recommendation to the City Council on the proposal.

Ms. Uhlmann stated that it was not a personal issue towards Mr. Myhrom. She submitted a petition of 54 signatures opposing the proposal. She presented the petition to the Commission. She expressed concern with the already congested frontage road. She explained that are already safety concerns with walking along the frontage road. Also, snow removal is pushed into the frontage road during winter.

Ms. Uhlmann stated that the proposed sidewalk would help to get people to the pedestrian bridge. Also, people trying out bikes could use the sidewalk. She stated that the previous roofing business did not bring in customers. A retail bike shop does. She stated that Highway 63 is the buffer between residential and commercial. It would take away from the residential area to put a retail business in it.

With no one else wishing to be heard, Mr. Staver closed the public hearing.

Mr. Burke asked if applicant were to meet all the criteria for parking, would the proposed building fall within the zoning regulations.

Mr. Svenby responded that, in the R-2 zoning district, it could be built if it met the rest of the criteria (which includes general compatibility) and approved by the City.

Ms. Rivas moved to recommend denial of Type III, Phase II Restrictive Development #02-54 Preliminary Plan by Paul Myrhom based on staff-recommended findings. Mr. Quinn seconded the motion.

Ms. Petersson stated that a previous business was placed there and Mr. Myhrom bought the land with the plan in mind to have a business located there as well.

Mr. Staver agreed with Ms. Petersson and wished that there could be a workable solution.

Ms. Rivas stated that the proposal was not compatible with the neighborhood and posed a safety concern.

The motion carried 6-1, with Ms. Petersson voting nay and Ms. Wiesner abstaining

Ms. Baker explained that the proposal would go before the City Council on Monday, December 9, 2002 sometime after 7:00 p.m.

December 30, 2002

John Hunziker
2828 Mayowood Commons Street S.W.
Rochester, MN 55902

Re: Paul Myhrom's Request for
Conditional Use Permit

Dear John:

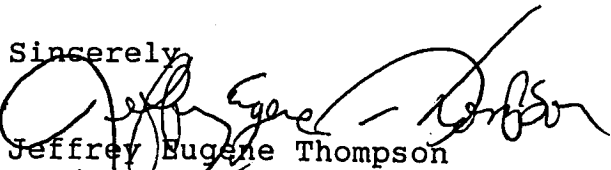
I am writing you this letter in support of Paul Myhrom's request for a Conditional Use Permit to build a bike shop.

As I mentioned to you previously, my uncle, Herbert Whynaucht built the house that Mr. Myhrom just purchased back in the 50's. Subsequent to the Whynaucht's ownership, my recollection is that there have only been two owners, both of whom have had businesses located on the property. The most recent owner had a roofing and a day care center for many years.

As you know, the County recently purchased the existing bike shop property from Paul Myhrom for parking purposes. As there is an acute parking shortage around the Government Center, I feel we were very fortunate to acquire this property for future parking and that the transaction with the Myhrom's went very smoothly. If Mr. Myhrom had thought he would not be able to build a bike shop, I doubt very seriously that he would have sold the property to the County.

If I can be of any further assistance on this from the historical prospective on this property, please let me know.

Sincerely,



Jeffrey Eugene Thompson
JET/gjt

cc: City Council Members

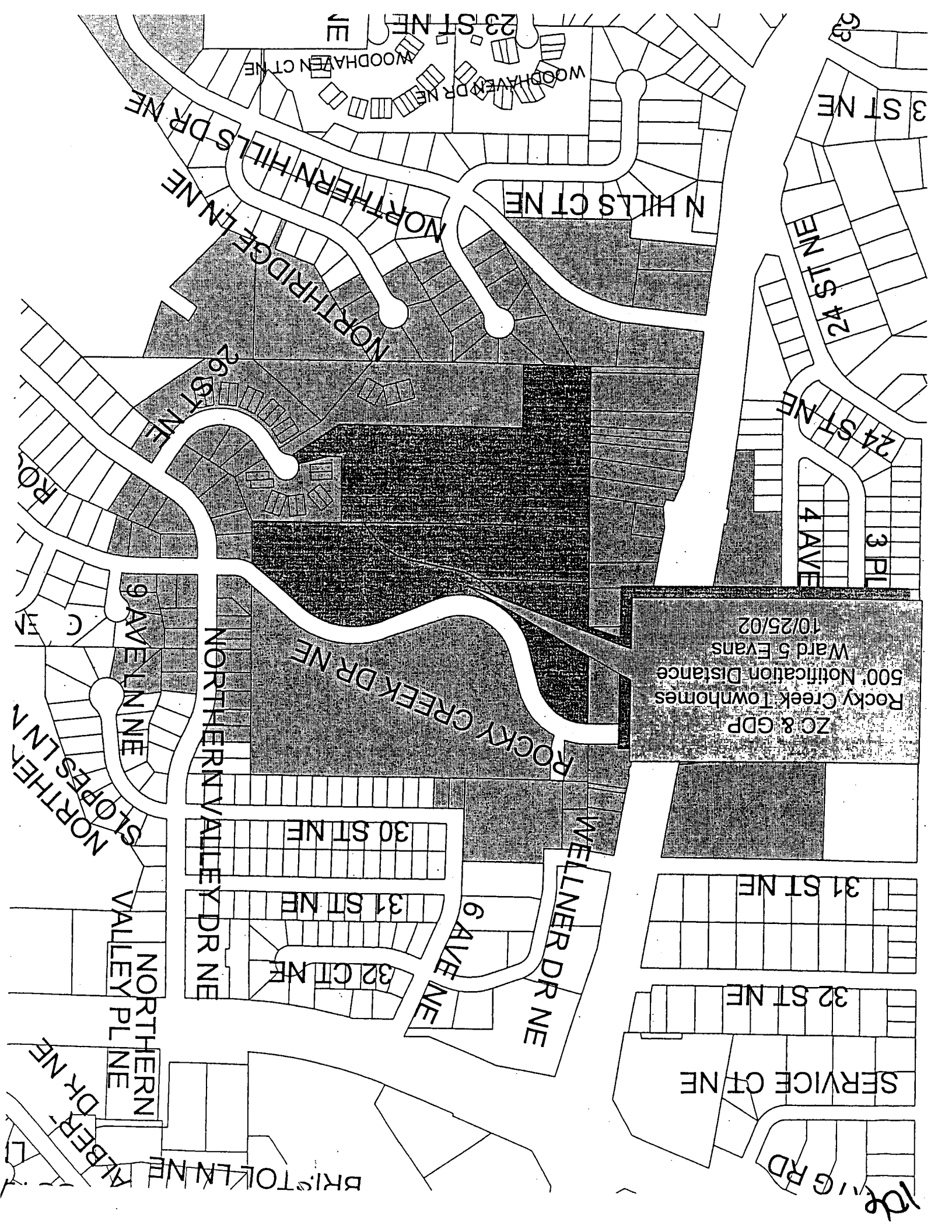
104

REQUEST FOR COUNCIL ACTION

105
MEETING

DATE: 1-06-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-2
ITEM DESCRIPTION: Zoning District Amendment #02-13 by Kendal Group. The applicant is proposing to re-zone 10.6 acres from the R-1 (Mixed Single Family) district to the R-1x (Mixed Single Family Extra) zoning district to allow for townhomes. The property is located east of North Broadway and South of Rocky Creek Drive NE and north and west of 26 th Street NE.		PREPARED BY: Brent Svenby, Planner
December 31, 2002		
<u>City Planning and Zoning Commission Recommendation:</u>		
<p>The City Planning and Zoning Commission held a public hearing on December 11, 2002 to consider this zone change. The Commission also reviewed a GDP for the property.</p> <p>The Commission reviewed the zone change request based on the criteria as included in the staff report and recommended approval, with staff suggested findings included in the staff report.</p> <p>Motion by Ms. Petersson, seconded by Mr. Quinn to recommend approval of Zoning District Amendment #02-13, with staff-recommended findings. Motion carried 7-0, with Ms. Wiesner abstaining.</p>		
<u>Planning Staff Recommendation:</u>		
See attached revised staff report dated December 6, 2002.		
<u>Council Action Needed:</u>		
<i>If the Council wishes to proceed with the zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning District.</i>		
<u>Attachments:</u>		
<ol style="list-style-type: none">1. Revised Staff Report dated December 6, 20022. Minutes of the December 11, 2002 CPZC Meeting		
<u>Distribution:</u>		
<ol style="list-style-type: none">1. City Administrator2. City Attorney: Legal Description attached3. Planning Department File4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, January 6, 2003 in the Council/Board Chambers at the Government Center, 151 4th Street SE.5. Yaggy Colby Associates		
COUNCIL ACTION:		
Motion By: _____ Seconded By: _____ Action: _____		



ZC & GDP
Rocky Creek Townhomes
500' Notification Distance
Ward 5 Evans
10/25/02

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**ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS**

**717 THIRD AVENUE SOUTHEAST
ROCHESTER, MINNESOTA 55904**

**507-288-6444
507-288-5858
FAX 507-288-5858**

EMAIL: info@tacc.com

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

TYPE NAME HERE

NUMBER _____ DATE _____

ROCKY CREEK TOWNHOMES
ROCHESTER, MINNESOTA

ROCHESTER, MINNESOTA

ZONE CHANGE

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COMPUTER
FBI 77842- RANGE DIV

DATE 10/28/02

DRAWN BY _____ LANE

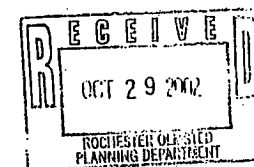
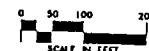
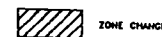
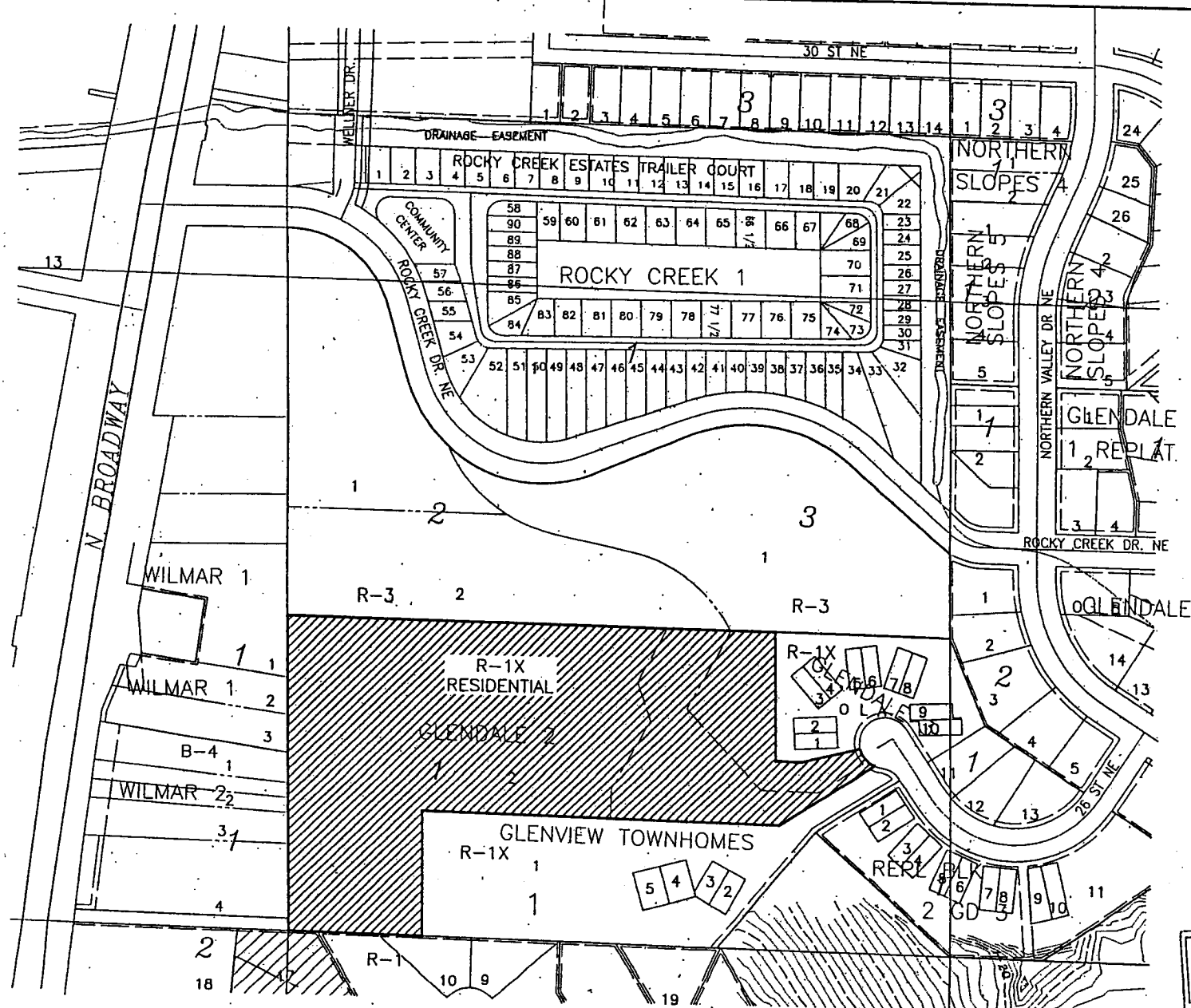
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REVISIONS

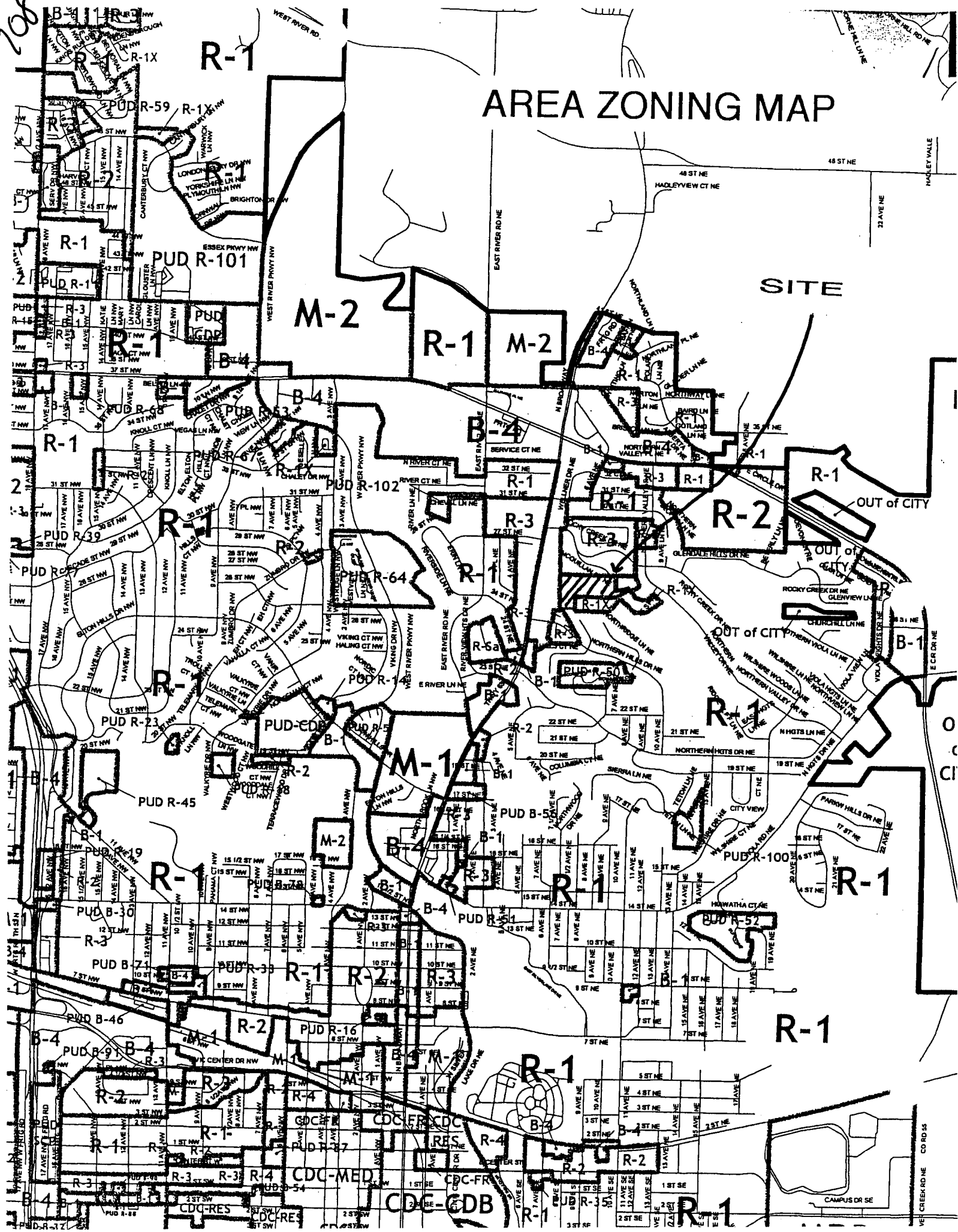
SHEET NUMBER

1
ONE

ONE BILL



107





ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: December 6, 2002

RE: Zoning District Amendment #02-13 by Kendal Group. The applicant is proposing to re-zone 10.6 acres from the R-1 (Mixed Single Family) district to the R-1x (Mixed Single Family Extra) zoning district to allow for townhomes. The property is located east of North Broadway and South of Rocky Creek Drive NE and north and west of 26th Street NE.

Planning Department Review:

Petitioner:

Kendal Group
4513 Milky Way Road
Waukesha, WI 53186

Consultant:

Yaggy Colby Associates
717 Third Ave. SE
Rochester, MN 55904

Location of Property:

The property is located east of North Broadway and South of Rocky Creek Drive NE and north and west of 26th Street NE.

Requested Action:

The applicant requests 10.6 acres of land be rezoned from R-1 to R-1X (Mix Single Family Extra). The property is Lot 2, Block 1 Glendale 2nd Subdivision.

Existing Land Use:

The property is currently platted but undeveloped and is designated for "low density residential" types of uses on the Rochester Urban Service Area Land Use Plan.

Proposed Land Use:

According to the GDP application submitted with the zone change request, the applicant intends to develop the site with townhomes. The GDP also includes the property to the north (Lots 1 & 2, Block 2 and Lot 1, Block 3 Rocky Creek First Subdivision. The property to the north is zoned R-3 (Medium Density Residential. This portion of the property would be developed with townhomes and a multi-family residential building.

Adjacent Land Use and Zoning:

North: Undeveloped property zoned R-3 (Medium Density Residential) and is proposed to be development with townhomes and a multi-family



dwelling.

South: Glenview Townhomes zoned R-1X (Mixed Single Family Extra).

East: Townhomes of Glendale zoned R-1X (Mixed Single Family Extra).

West: Developed property zoned B-4 (General Commercial).

Transportation Access:

Access to this property would be from 26th Street NE and Rocky Creek Drive NE. According to the GDP the development would be served from private roadways off of these streets.

Wetlands:

According to the Olmsted County Soil Survey, hydric soils exist on the site. The applicant received an exemption, on November 5, 2002, for the .75 acres of wetlands found on the property. The determination was made that the wetlands are incidental and were caused by the long history of mining and soil stripping on the property.

Neighborhood Meeting:

A neighborhood meeting was held on Tuesday, November 12, 2002. A summary of that meeting is enclosed.

Referral Comments:

1. Attached to General Development Plan #193 to be known as Rocky Creek Townhomes

Report Attachments:

1. Location Map
2. Area Zoning Map
3. Neighborhood Meeting Summary

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
 - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
 - b) The area was originally zoned erroneously due to a technical or administrative error;
 - c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter

3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan;
or

- d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

Finding for Proposed R-1X: The Rochester Urban Service Area Land Use Plan designates this property as appropriate for "low density residential" types of uses. Uses within the R-1X zoning district would be consistent with the current land use designation "low density residential". Rezoning this property would help further the policies and goals found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, which encourage developing a range of densities and development styles. The re-zoning would also help to further goals and policies found within Chapter 3 of the Housing Plan to increase the supply of housing.

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:

- a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

Finding for Proposed R-1X: Uses within the R-1X Zoning District would be appropriate on the property and compatible with adjacent properties. According to the City of Rochester Zoning Ordinance, the R-1X zoning district is intended to maintain and promote areas of relatively low residential density where the emphasis is generally on the development of one-family dwellings of various styles designed to meet the housing needs of the complete range of one-family households.

- b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

Findings for Proposed R-1X: The amendment to R-1X would be consistent with the Rochester Urban Service Area Land Use Plan designation for this property as "low density residential" and would not be considered spot zoning. Uses within the R-1X district would be appropriate on the subject property and would be compatible with adjacent properties and the neighborhood.

Staff Recommendation:

The ability to consider the Zone Change and the amendment General Development Plan concurrently allows the City to consider this development proposal as a package. Based upon the accompanying General Development Plan for this site and the findings above, Staff recommends approval to rezone approximately 10.6 acres from the R-1 (Mixed Single Family) to R-1X (Mixed Single Family Extra) zoning district.

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ENGINEERS

ARCHITECTS

SURVEYORS



November 14, 2002

Ms. Mitzi Baker
Rochester-Olmsted Planning Department
2122 Campus Drive SE
Rochester, MN 55904

**RE: Neighborhood Meeting Summary
Rocky Creek Townhomes, R-1x Zone Change, & General Development Plan**

LANDSCAPE ARCHITECTS

PLANNERS

Dear Ms. Baker:

A neighborhood meeting was held November 12, 2002 at Hover Elementary School regarding the proposed Rocky Creek Townhomes project, Zone Change to R-1x, and the General Development Plan (GDP). Approximately 25 people were in attendance (please see attached sign-in sheet). A preliminary site plan was displayed showing the proposed townhome development, four-story condo/apartment building and the zone change area. Also photographs of townhomes from like projects the developer has completed were displayed. The future use of the property was discussed, as well as individual neighbor's questions and concerns.

ROCHESTER OFFICE:

717 Third Avenue SE

Rochester, MN 55904

507-288-6464

Fax 507 288-5058

The zone change from an R-1 zoning to an R-1x, for the purposes of constructing townhomes, was received fairly well. A couple of neighbors were concerned if the townhomes would be owner occupied. It was stated that the townhomes would be owner occupied and the four-story building may be apartments or condominium properties, depending on market conditions at the time of completion. Questions were asked in regards to projected cost of the townhomes. The developer, Ken Miller, stated the twin units would be \$200,000 plus, and the eight unit building would be roughly \$150,000.

The allowed uses within an R-1x Zoning were discussed. Some question were raised in respect to traffic. It was explained that most of the traffic would likely exit directly to Rocky Creek Drive, and not go through the existing neighborhood. The neighbors suggested that no parking should be allowed on Rocky Creek Drive. We stated that the city will investigate and make a decision on the no-parking, if traffic and safety justify. Neighbors were concerned about construction traffic. The developer stated that all construction traffic would come directly from Rocky Creek Drive and not through the existing neighborhood. The neighbors appeared comfortable with the proposed development on this property.

MPLS/ST PAUL OFFICE:

651-681-9040

MASON CITY OFFICE:

641-424-6344

If you have any questions or concerns, please call.

Sincerely,

YAGGY COLBY ASSOCIATES

A handwritten signature in black ink, appearing to read "Dale R. Allen".

Dale R. Allen PE
Principal

DELAFIELD OFFICE:

262-646-6855

DRA:bsd
YCA #7784

Attachment

Equal Opportunity Employer

yaggy.com



ENGINEERS

ARCHITECTS

SURVEYORS

LANDSCAPE
ARCHITECTS

PLANNERS

PROJECT

PREPARED BY

CHECKED BY

SHEET NO.

PROJECT #

DATE

DATE

OF

113

ROCKY CREEK TOWN HOMES
NEIGHBORHOOD MEETING

NAME

ADDRESS

PHONE

Phyllis Stadelman	780 26th ST NE	281-2171
Helen Greenman	784 26th ST NE	282-3379
Richard Kern	798 26th ST NE	281-1234
Leon Andrist	783 26th ST NE	252-5031
Ellie Andrist	783 26th ST NE	252-5031
Bill Sipple	778 26th ST NE	288-8448
Natalie Klein	810 N.E. 26th ST	282-3527
John Rute	812 26th ST NE	288-6732
Al Southwick	824 26th ST NE	252-8326
BE WIESEN	2719 NORTHERN VALLEY DR NE	289-7992
Wendy MLENNAN	" " " "	289-7992
Larry Prince	904 No. Valley Dr NE	289-0289
Kathy Mann	2807 No. Valley Dr. NE	285-9926
Mary Schuman	787 26th ST NE	289-2070
Bob Scher	800 26th ST NE	282-6198
Don Watterlin	911 NORTHERN VALLEY DR NE	285-0678
Mike Wenzel	809 26th ST NE	285-0792
Jo Grubisco	2580 Northridge LN NE	282-7600
John Seimer	793 26th ST NE	282-7037
Dore Wenzel	2115 9th Ave NE	282-6564
Vicki Schuman	787 26th ST NE	289-2070
PAT CUMMINGS	781 26th ST NE	288-6701
KEN MILLER	4513 MILKY WAY RD. WAUKESHA	262-548-0222
PAUL O'Connell	3735 Willow Hts Dr SW	507-254-0792
Gary Luck	609 Monmouth Dr	761-0261
Bill Reel	P.O. Box 5945 TROOSTS	254-1623

Mr. Staver stated that the applicant submitted a letter requesting that the items be continued to January 8, 2003.

Ms. Petersson moved to continue Land Use Plan Amendment #02-06, Zoning District Amendment #02-15, and General Development Plan #195 by Mark Leitzen to January 8, 2003. Mr. Ohly seconded the motion. The motion carried 8-0.

Mr. Burke asked why the applicant requested the items to be continued.

Mr. Svenby responded that the consultant needed additional time to work with staff on some items.

General Development Plan #193 to be known as Rocky Creek Townhomes, Design Modification #02-12 and Zoning District Amendment #02-13 by Kendal Group. The applicant is proposing to develop 22.86 acres of land with townhomes and uses permitted in the R-3 zoning district. The development would be served by private roadways. The applicant is also proposing to re-zone 10.6 acres from the R-1 (Mixed Single Family) district to the R-1x (Mixed Single Family Extra) zoning district to allow for townhomes. The remaining 12.26 acres is zoned R-3 (Medium Density Residential). The applicant is also requesting approval for a Substantial Land Alteration to permit changing grades by 10 feet or more on the property. The applicant is also requesting a design modification to the requirements of Chapter 64 of the Rochester Zoning Ordinance and Land Development Manual on access spacing standards in Section 64.143. The property is located east of North Broadway and South of Rocky Creek Drive NE and north and west of 26th Street NE.

Mr. Brent Svenby presented the staff reports, dated December 6, 2002, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that a meeting was held today with the Park and Recreation Department and the applicant's consultant to discuss the addition of a tot lot to the general development plan. He explained that the applicant would provide the revised plan to the Rochester-Olmsted Planning Department prior to the City Council meeting.

Mr. Svenby explained that, after further review of the Ordinance, staff concluded that the applicant needed a variance to the access spacing standards instead of a design modification. Therefore, he asked the Commission not to act on the design modification and explained that the variance would be heard before the City Council.

The applicant's representative Mr. Dale Allen, of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN) addressed the Commission. He stated that the applicant agreed with the staff-recommended conditions. He also stated that the applicant agrees to provide a tot lot park space on the general development plan.

Mr. Burke asked if there would be any type of restriction to access 26th Street NE to focus the direction of traffic to Rocky Creek Drive.

Mr. Allen responded that the main concern is construction traffic. It was explained to neighbors that they plan to direct all construction traffic north and not onto 26th Street NE.

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Mr. John Stadelman, of 780 26th Street NE, Rochester MN, addressed the Commission. He asked if it was necessary to have two accesses into the development.

Ms. Petersson responded yes for fire safety.

Mr. Stadelman stated that many people did not understand what the R-1x zoning district consisted of. He asked if any other structures could be put in the development besides townhomes. He expressed concern with the possibility of manufactured homes being allowed in the development.

Mr. Staver explained that townhomes and duplexes would be allowed. He explained that 4-plexes would not be allowed.

Mr. Stadelman questioned if a trailer park could be located within the development.

Mr. Svenby responded that single-family attached or detached, duplexes, and townhomes would be allowed within the development.

Mr. Svenby explained that a conditional use permit would be required if they applicant wished to construct a manufactured home park. The request of a conditional use permit would initiate a public review process; at which time the neighboring properties would be notified.

Mr. Stadelman explained that a swale was presently located west of his property to drain standing water. He indicated that part of the swale is located on the proposed development. He expressed concern that buildings could be located on the swale.

Mr. Staver explained that there would be a grading plan submitted and reviewed.

Mr. Allen stated that he spoke with Mr. Stadelman today. He stated that he would contact Mr. Stadelman once they get to the design stage.

Mr. Stadelman stated that his main concern is what type of structures could be built. He also expressed concern with where snow would be piled within the development. He asked if there was a service by the City to haul the snow from the cul-de-sac.

Mr. Staver explained that he would need to speak with City Public Works.

Mr. Burke stated that he would probably have to contact a private hauler to haul the snow from their driveways.

Mr. Staver suggested that Mr. Stadelman speak with his Council representative if it becomes a problem.

Mr. Ray Kim, of 2577 Northridge Lane NE, Rochester MN, addressed the Commission. He thanked the Commission for providing information on the internet. He stated that the R-1x zoning district is not consistent with the neighborhood. He stated that he did not want manufactured homes built in the area. He asked if the Commission could recommend R-1x, but to not allow manufactured homes in their recommendation.

Mr. Staver responded that the Commission does not know what the applicant proposes to build at this time. However, if the applicant wanted to construct a manufactured home park, they would need to apply for a conditional use permit and go through a public review process again.

Ms. Natalie Kline, of 810 26th Street NE, Rochester MN, addressed the Commission. She stated that it was her understanding that the pond would be privately owned and maintained. She expressed concern with regard to standing water attracting insects. She asked if there was any type of enforcement or penalty if they do not take care of the stagnant water.

Mr. Svenby responded that the pond would need to be designed according to City standards. He explained that the pond would be designed to hold water throughout the year, just like other ponds within the City.

Ms. Petersson stated that she had not heard of many problems in other areas with ponds.

Mr. Allen explained that it would be a wet pond. However, the pond will recharge and should not have insect problems. He stated that there is probably standing water there at the present time.

Mr. Staver explained that there are a number of ponds within the City that get recharged during rain events.

Ms. Kline expressed concern with traffic on Rocky Creek Drive. She stated that it was only a two-lane road. She asked if the City could make sure that there was no parking along the roadway.

Mr. Staver asked if the roadway is currently posted no parking.

Ms. Kline responded only part way.

Mr. Svenby explained that, as more traffic develops in the area, traffic engineers would look into the issue.

Mr. Staver stated that, if it became a problem, it could be posted.

Mr. Svenby stated that there was a secondary access requirement once there are 500 daily trips.

Mr. Larry Prince, of 904 Northern Valley Drive N, Rochester MN, addressed the Commission. He asked if the substantial land alteration would be limited to the area that was outlined in the presentation.

Mr. Staver responded yes.

Mr. Burke stated that all of the material that would be removed would be kept on site.

With no one else wishing to be heard, Mr. Staver closed the public hearing.

Ms. Petersson moved to recommend approval of Zoning District Amendment #02-13 by the Kendal Group with staff-recommended findings. Mr. Quinn seconded the motion.

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The motion carried 7-0, with Ms. Wiesner abstaining.

Ms. Petersson moved to recommend approval of General Development Plan #193 to be known as Rocky Creek Townhomes by the Kendal Group based on staff recommended findings, conditions, and with the applicant providing updated plans as discussed with the Park and Recreation Department to staff prior to the City Council meeting. Ms. Rivas seconded the motion. The motion carried 7-0, with Ms. Wiesner abstaining.

CONDITIONS:

1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, park dedication, traffic improvements, access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
2. Grading & Drainage Plan approval is required prior to development. The proposed on-site storm water detention facility will serve less than 50 developable acres and will be private. Execution of an Ownership & Maintenance Agreement will be required for the proposed pond facility. A Storm Water Management fee will apply to any areas of this development that does not drain to an on-site facility, and are allowed to participate in the City's Storm Water Management Plan (SWMP).
3. Pedestrian facilities (5 foot wide sidewalk) shall be constructed along the entire frontage of this property abutting Rocky Creek Drive.
4. If the variance is not granted to the access spacing standards for the private roadway location to 26th Street NE the development shall be limited so that there is no more than 500 average daily trips using the private roadway access to Rocky Creek Drive NE.
5. Upon approval by the City Council for the Substantial Land Alteration, the applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property. If the City Council denies the Substantial Land Alteration, the development layout shall be redesigned to accommodate grades where there is no change 10 feet or more.

Ms. Petersson moved to recommend approval of the substantial land alterations for the Kendall Group based on staff-recommended findings. Ms. Rivas seconded the motion. The motion carried 7-0, with Ms. Wiesner abstaining.

~~Text Amendment #82-06 initiated by the City Planning and Zoning Commission, to amend Section 65.510(5)(b) of the Rochester Zoning Ordinance and Land Development Manual. This section, Termination of Nonconforming Advertising Signs, covers the standards for use of advertising sign credits.~~

Mr. John Harford presented the staff report, dated October 31, 2002, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1-06-03

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-3
ITEM DESCRIPTION: General Development Plan #193 to be known as Rocky Creek Townhomes and Variance #02-40. The applicant is proposing to develop a 22.86 acres of land with townhomes and uses permitted in the R-1X and R-3 zoning districts. The development would be served by private roadways. The applicant is also requesting approval for a Substantial Land Alteration to permit changing grades by 10 feet or more on the property. The applicant is also requesting a variance to the requirements of Chapter 64 of the <u>Rochester Zoning Ordinance and Land Development Manual</u> on access spacing standards in Section 64.143. The property is located east of North Broadway and South of Rocky Creek Drive NE and north and west of 26 th Street NE.		PREPARED BY: Brent Svenby, Planner
December 31, 2002		
<p>NOTE: The Council will need to act on the requested Variance as included in the staff report. Staff would recommend one additional condition based on the revised GDP showing parkland. This condition is listed as condition number 6 on page of the RCA.</p> <p><u>City Planning and Zoning Commission Recommendation:</u></p> <p>On December 11, 2002 the City Planning and Zoning Commission reviewed this General Development Plan. The Commission also reviewed a zone change for the property</p> <p>The Commission reviewed this proposal according to the criteria listed in Paragraph 61.215 of the Zoning Ordinance and Land Development Manual.</p> <p>s. Petersson made a motion to recommend approval of General Development Plan #193 to be known as Rocky Creek Townhomes and Substantial Land Alteration based on staff-recommended findings and conditions. Ms. Rivas seconded the motion. The motion carried 7-0, with Ms. Wiesner abstaining.</p> <p><u>Conditions:</u></p> <ol style="list-style-type: none">1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, park dedication, traffic improvements, access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.2. Grading & Drainage Plan approval is required prior to development. The proposed on-site storm water detention facility will serve less than 50 developable acres and will be private. Execution of an Ownership & Maintenance Agreement will be required for the proposed pond facility. A Storm Water Management fee will apply to any areas of this development that does not drain to an on-site facility, and are allowed to participate in the City's Storm Water Management Plan (SWMP).3. Pedestrian facilities (5 foot wide sidewalk) shall be constructed along the entire frontage of this property abutting Rocky Creek Drive.4. If the variance is not granted to the access spacing standards for the private roadway location to 26th Street NE the development shall be limited so that there is no more than 500 average daily trips using the private roadway access to Rocky Creek Drive NE.5. Upon approval by the City Council for the Substantial Land Alteration, the applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property. If the City Council denies the Substantial Land Alteration, the development layout shall be redesigned to accommodate grades where there is no change 10 feet or more.		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

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6. Parkland dedication requirements for this development must be met as specified in the memo from the Rochester Park and recreation Department dated December 30, 2002. The applicant should grant a public access easement to the City providing access to the private drive and parking area adjacent to the park site.

Planning Staff Recommendation:

See attached revised staff report dated December 31, 2002.

Council Action Needed:

1. The Council may approve, approve with conditions, or deny the general development plan. The Council must make findings based on the criteria listed in Paragraph 61.215.
2. If the Council wishes to proceed with the general development plan as proposed, it should instruct the City Attorney to prepare a resolution for Council approval.
3. The Council should include a motion to adopt findings to support either approval or denial of the proposed Substantial Land Alteration Activity.
4. The Council should instruct the City Attorney to prepare a resolution for Council approval either approving or denying the Variance requested based on the findings in Paragraph 60.417

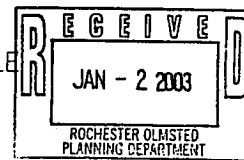
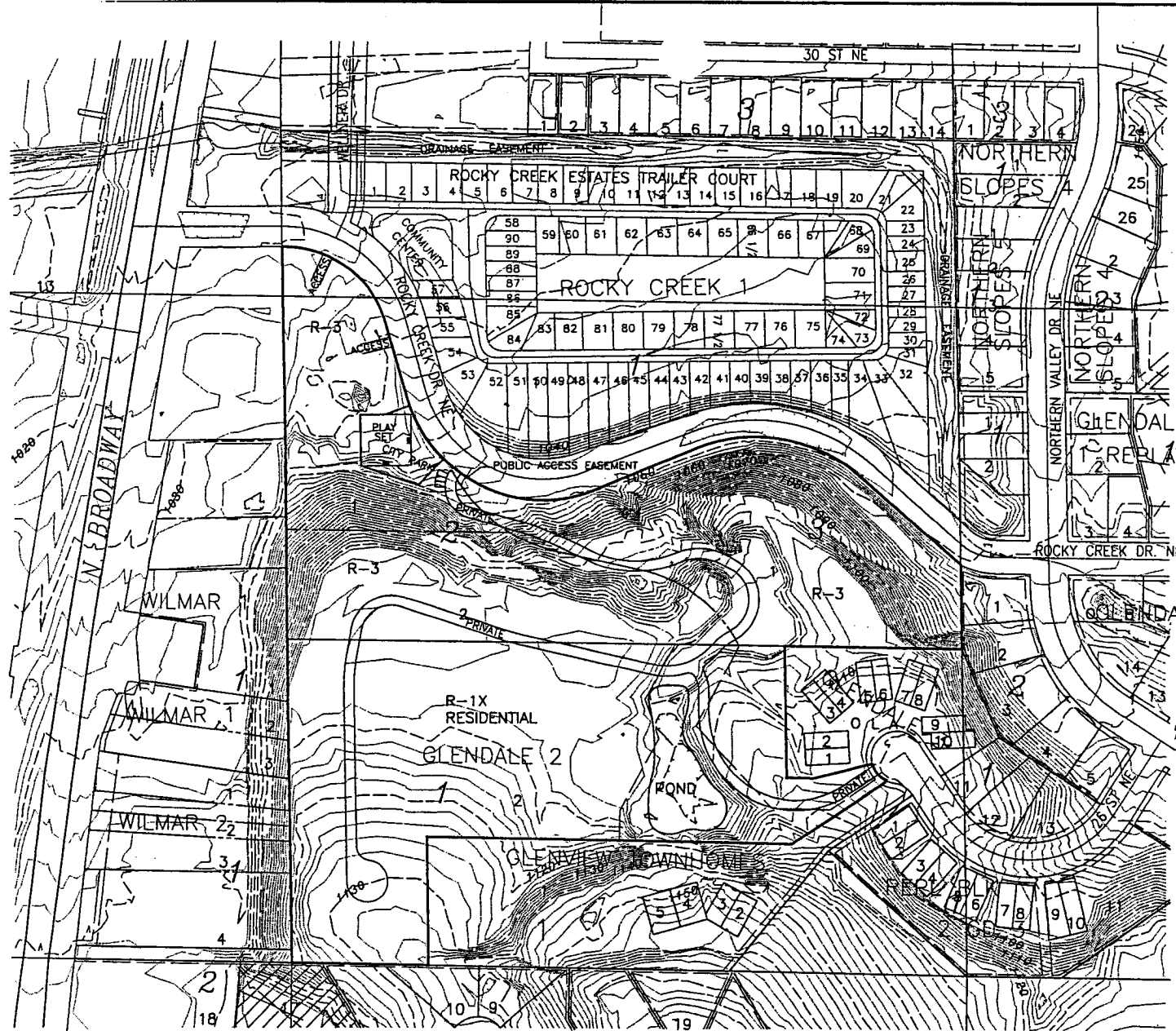
Attachments:

1. Revised Staff Report dated December 31, 2002
2. Minutes of the December 11, 2002 CPZC Meeting

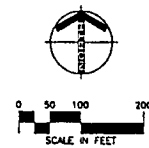
Distribution:

1. City Administrator
2. City Attorney
3. Planning Department File
4. Planning Department GIS Division
5. Applicant: This item will be considered some time after 7:00 p.m. on Monday, January 6, 2002 in the Council/Board Chambers in the Government Center at 151 4th Street SE.
6. Yaggy Colby Associates

Images: [none]
 Scale: [none]
 1/11/03 8:34 am
 H:\C:\Users\pms\Documents\Rocky Creek\Rocky Creek.dwg



PLEASE SEE CITY OF ROCHESTER ZONING ORDINANCE FOR ALLOWED DENSITIES, INTENSITY AND LAND USES.



REVISED



ENGINEERS • ARCHITECTS
 SURVEYORS • PLANNERS
 LANDSCAPE ARCHITECTS
 117 THIRD AVENUE SOUTH
 ROCHESTER, MINNESOTA 55904
 507-254-1111
 FAX 507-254-1112
 EMAIL INFO@YAGGY.COM

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

TYPE NAME HERE
 NUMBER 0

ROCKY CREEK TOWNHOMES
 ROCHESTER, MINNESOTA
 GENERAL DEVELOPMENT PLAN

PROJECT NUMBER 77
 COMPUTER FILE 7784GDP.A.D
 DATE 10/28/02
 DRAWN BY MF
 CHECKED BY
 REVISIONS
 REVISED 12/30/02
 SHEET NUMBER
 1
 ONE

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ROCHESTER PARK AND RECREATION DEPARTMENT

December 30, 2002

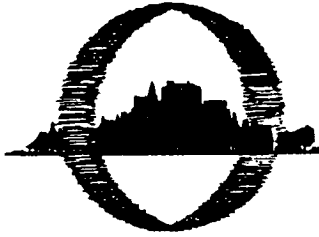
TO: Jennifer Garness
Planning Department

RE: Rocky Creek Townhomes
General Development #193 * REVISED *

The development as proposed will have a parkland dedication of ± 4.0 acres. The Park Department recommends that dedication be met via a combination of land and cash in lieu of land.

The land dedication should be in the form of a ± 1.0 acre outlot to be located south of the R3 parking area. The applicant's consultant has indicated that a 100' X 100' area within the outlot will be graded to 2% or less slope and that the public will have access to the private drive and parking area adjacent to the park site.

The balance of the dedication (3.0 acres) should be in the form of cash in lieu of land.



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: December 31, 2002 **REVISED**

RE: General Development Plan #193 to be known as Rocky Creek Townhomes and Variance #02-40 by the Kendal Group. The applicant is proposing to develop a 22.86 acres of land with townhomes and uses permitted in the R-3 and R-1X zoning districts. The development would be served by private roadways. The applicant is also requesting approval for a Substantial Land Alteration to permit changing grades by 10 feet or more on the property. The applicant is also requesting a variance to the requirements of Chapter 64 of the Rochester Zoning Ordinance and Land Development Manual on access spacing standards in Section 64.143. The property is located east of North Broadway and South of Rocky Creek Drive NE and north and west of 26th Street NE.

Planning Department Review:

Petitioner/Property Owner:

Kendal Group
4513 Milky Way Road
Waukesha, WI 53186

Consultant:

Yaggy Colby Associates
717 Third Ave. SE
Rochester, MN 55904

Location of Property:

The property is located east of North Broadway and South of Rocky Creek Drive NE and north and west of 26th Street NE.

Proposed Use:

According to the GDP application submitted the applicant intends to develop the site with townhomes and a multi-family dwelling.

Land Use Plan:

The Rochester Urban Service Area Land Use Plan currently designates the property for "low density residential" uses.

Zoning:

Lot 2, Block 1 Glendale 2nd Subdivision is currently zoned R-1 (Mixed Single Family) on the City of Rochester Zoning Map. The applicant has filed a zoning district amendment to change to zoning from the R-1 district to the R-1X (Mixed Single Family Extra) zoning district. Lots 1 & 2, Block 2 and Lot 1,



Block 3 Rocky Creek First Subdivision is zoned R-3 (Medium Density Residential).

Streets:

Access to this property would be from 26th Street NE and Rocky Creek Drive NE. According to the GDP the development would be served from private roadways off of these streets.

Sidewalks:

Pedestrian facilities are required along the entire frontage of the property abutting Rocky Creek Drive NE.

Drainage:

An on-site storm water detention facility is proposed to be located on the property as indicated on the GDP. The proposed on-site storm water detention facility will serve less than 50 developable acres therefore the pond will be private. Execution of an Ownership and Maintenance Agreement will be required for the proposed pond. A Storm Water Management fee will apply to any areas of the development that does not drain to an on-site facility and that is allowed to participate in the City's Storm Water Management Plan.

Detailed grading and drainage plans will also be required when the property is developed.

Wetlands:

According to the Olmsted County Soil Survey, hydric soils exist on the site. The applicant received an exemption, on November 5, 2002, for the .75 acres of wetlands found on the property. The determination was made that the wetlands are incidental and were caused by the long history of mining and soil stripping on the property.

Public Utilities:

Services are available to serve this property. Specific routing of sanitary sewer and watermain will be addressed through the platting stages of development. The lower portion of the property is within the Main Level Water System Area, which is available along Rocky Drive NE. The upper portion of the property is within the NE Intermediate Level Water System Area, which is available at the 26th Street NE cul-de-sac. The water mains in the private street areas must be looped per the requirements of the RPU Water Division.

Parkland Dedication:

The Park and Recreation Department recommends that parkland dedication requirements for the development be met via a combination of land and cash in lieu of land. The development as proposed will have a parkland dedication of approximately 4 acres.

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The Park and Recreation Department recommends that the land dedication should be in the form of a 1 acre outlot to be located south of the area shown as R3 parking. The applicant's consultant has indicated that a 100' x 100' area within the outlot will be graded to 2% or less slope and that the public will have access to the private drive and parking area adjacent to the park site. The balance of the dedication (3 acres) should be in the form of cash in lieu of land.

Referral Comments:

1. Rochester Public Works
2. RPU Water Division
3. RPU Operations Division
4. Park and Rec. Dept.
5. Planning Dept.- Addressing
6. Planning Dept. - Wetlands
7. MnDOT

Report Attachments:

1. Copy of Proposed GDP
2. SLA Map and Narrative
3. Referral Letters (5)

Analysis:

Criteria & Staff Suggested Findings:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the Criteria for approval of a general development plan. The criteria and the staff suggested findings are as follows:

- Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

Land uses within the GDP would be consistent with the "low density residential" land use designation for the property on the Rochester Urban Service Area Land Use Plan. A Zoning District amendment is being considered concurrent with this GDP application petitioning to amend the portion of the property from the R-1 zoning district to the R-1X district to allow for townhomes.

- Criteria B. The proposed development, including its lot sizes, density, accesses and circulation are compatible with the existing and/or permissible future use of adjacent property.

The density, access and circulation appear compatible with the existing and future use of adjacent properties. A zoning district amendment is being considered concurrent with this GDP. The private roadway access location to 26th Street NE does not meet the access spacing standards of the zoning ordinance and land development manual. A Variance would

need to be granted to allow for the location the of the access location to 26th St. NE. With the proposed roadway design of the development it appears the access to Rocky Creek Drive NE would be the main access for the development and the access to 26th St. NE is more of the secondary access which is a less direct way into the development.

Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

The mix of housing is consistent with the adopted Land Use Plan and is also consistent with the Housing Plan standards for the physical and social environments of residential neighborhoods.

Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

Access to this property would be from 26th Street NE and Rocky Creek Drive NE. According to the GDP the development would be served from private roadways off of these streets. It is likely that the access to 26th Street NE would serve more as a secondary access. The majority of the vehicle trips generated by the development would likely use the access location on Rocky Creek Drive NE as this access appears to be more of a direct route compared to the access off of 26th Street NE.

Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

Access to this property would be from 26th Street NE and Rocky Creek Drive NE. According to the GDP the development would be served from private roadways off of these streets. With the proposed roadway design of the development it appears the access to Rocky Creek Drive NE would be the main access for the development and the access to 26th St. NE is more of the secondary access which is a less direct way into the development.

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in

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the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

Services are available to serve this property. Specific routing of sanitary sewer and watermain will need to be addressed through the platting stages of development. The lower portion of the property is within the Main Level Water System Area, which is available along Rocky Drive NE. The upper portion of the property is within the NE Intermediate Level Water System Area, which is available at the 26th Street NE cul-de-sac. The water mains in the private street areas must be looped per the requirements of the RPU Water Division.

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

Pedestrian facilities (5-foot wide sidewalk) are required along the entire frontage of the property abutting Rocky Creek Drive NE.

The Park and Recreation Department recommends that parkland dedication requirements for the development be met via a combination of land and cash in lieu of land. The development as proposed will have a parkland dedication of approximately 4 acres.

The Park and Recreation Department recommends that the land dedication should be in the form of a 1 acre outlot to be located south of the area shown as R3 parking. The applicant's consultant has indicated that a 100' x 100' area within the outlot will be graded to 2% or less slope and that the public will have access to the private drive and parking area adjacent to the park site. The balance of the dedication (3 acres) should be in the form of cash in lieu of land.

An on-site storm water detention facility is proposed to be located on the property as indicated on the GDP. The proposed on-site storm water detention facility will serve less than 50 developable acres therefore the pond will be private. Execution of an Ownership and Maintenance Agreement will be required for the proposed pond. A Storm Water Management fee will apply to any areas of the development that does not drain to an on-site facility and that is allowed to participate in the City's Storm Water Management Plan.

- Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

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An on-site storm water detention facility is proposed to be located on the property as indicated on the GDP. The proposed on-site storm water detention facility will serve less than 50 developable acres therefore the pond will be private. Execution of an Ownership and Maintenance Agreement will be required for the proposed pond. A Storm Water Management fee will apply to any areas of the development that does not drain to an on-site facility and that is allowed to participate in the City's Storm Water Management Plan.

Detailed grading and drainage plans will also be required when the property is developed.

- Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

Access to this property would be from 26th Street NE and Rocky Creek Drive NE. According to the GDP the development would be served from private roadways off of these streets. It is likely that the access to 26th Street NE would serve more as a secondary access. The majority of the vehicle trips generated by the development use the access location on Rocky Creek Drive NE as this access appears to be more of a direct route compared to the access off of 26th Street NE.

Substantial Land Alteration:

This application includes a request for approval of land disturbing activities defined as Substantial Land Alteration according to Section 61.1101, 2.a.1 of the Rochester Zoning Ordinance and Land Development Manual (LDM). Section 62.1102 of the LDM allows the City to consider a request for excavation or substantial land alteration as part of a Type III application, such as a final plat, subject to making findings established in Section 62.1105 and 61.146 of the LDM.

This development includes a proposal to change the grade in excess of a 10 foot vertical cut/fill from the pre-existing grades. Is the attached map for the two areas on the property where the grades are proposed to be changed more than 10 feet. Grading of more than 10 feet is necessary to obtain a roadway at a grade of 10% or less.

Sections 61.146, 62.1102 and 62.1105 of the LDM are attached.

Staff Suggested Findings:

If the City Council approves the proposed substantial land alteration, staff recommends the following findings to Section 62.1105 and 61.146 of the Rochester Zoning Ordinance and Land Development Manual:

62.1105

- 1) The activity should not result in danger to life or property. The street slopes on the site will be a maximum of 10% or less. The grading and drainage plans will need to comply with City standards and be approved by the Rochester Public Works Department.

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- 2) The grading plan for this project needs to be approved by the Rochester Public Works Department and it will document the extent of the work. All cut material will be used on-site, therefore it will not be necessary to haul fill from the site. Noise and dust control will need to comply with City standards.
- 3) The equipment conducting the grading work on the property will also be the equipment utilized to move the earth. All excess material will be used on the site. It will not be necessary to truck in fill or haul fill from the site, which will minimize the impact on the surroundings roads.
- 4) The proposed excavation work should not affect air quality or ground and surface water quality.
- 5) The proposed grading work should not adversely affect the scenic quality of Rochester. The natural topography of the area is being re-graded to provide adequate slopes for single family dwellings.
- 6) The result of the proposed activity will be compatible with existing development and development anticipated in the future. The finished result of the grading work will allow for development that is consistent with the land use plan.
- 7) The grading will be confined to the property and should not affect the use and enjoyment of adjacent properties. The duration of the excavation activity is expected to be completed by the summer of 2003.
- 8) The grading will be completed by summer of 2003. There are homes in the immediate area that will be visually affected by the grading activity for only a short time during the grading process. Noise and dust control will need to comply with City standards.
- 9) The grading and drainage plan will need to provide the proper restoration and stabilization in accordance with the adopted codes for the City of Rochester.
- 10) The grading and drainage plans will need to be reviewed and approved by the City. Stormwater management will be required for the development.
- 11) The areas of grading do not contain sinkholes or wetlands and should not effect the ground water or surface quality once restoration and stabilization is completed.
- 12) The grading work is expected to be completed by summer of 2003. The duration seems appropriate for this type of activity and the size of the project.
- 13) The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.
- 14) Surety will need to be provided that guarantees the site will be fully restored after the completion of the excavation activity. This surety can be provided through the owner-contract process for this development. If grading is to occur prior to an owner-contract, a separate surety will need to be provided.
- 15) The grading and drainage plan will need to be approved by the Rochester Public Works Department prior to any grading on the property.

The Planning Staff would suggest the following findings for Section 61.146:

- 1) Not applicable.
- 2) Not applicable.
- 3) Not applicable.
- 4) The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.
- 5) Not applicable.
- 6) Not applicable.
- 7) Not applicable.
- 8) Not applicable.

Variance:

The application also includes a request for a variance to the access spacing requirements for the minimum separation between driveways and intersection streets. The access spacing standards of the Rochester Zoning Ordinance and Land Development Manual, Section 64.134, requires a minimum separation of 35 feet between driveways and intersecting streets.

The City Engineer has reviewed the request for the substandard access and has no objection to permitting the access as shown on the general development plan. The substandard access may be granted subject to the variance provisions. Staff suggests the following findings:

EXTRAORDINARY CONDITIONS: *There does appear to be extraordinary conditions that apply to the applicant's property that may not apply generally to other properties in the area. The topography is steep and most of the development sits on the top of the hill. With the steep topography only one access roadway is able to be provided to Rocky Creek Drive NE. Furthermore, without an access to 26th Street NE development on the property would be limited to 500 average daily trips.*

REASONABLE USE: *The granting of the variance request would appear to be necessary to allow the reasonable use of the property. The way the road system is designed it would appear that the access to 26th Street NE would act more like a secondary access and that the majority of the traffic would use the access road to Rocky Creek Drive NE.*

ABSENCE OF DETRIMENT: *The granting of the variance request would not appear to be materially detrimental to the public welfare or to other properties in the area. Granting of the variance will only for development of the property consistent with development in the area.*

MINIMUM VARIANCE: *The minimum variance that would be necessary to alleviate the alleged hardship would be a variance to the access spacing requirements for the minimum separation between driveways and intersection streets.*

Section 64.146 3)

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- a) *Conditions or circumstances exist which limit the strict application of the ordinance, including the lack of a secondary access to another public street, the inability to use joint access, and the lack of engineering or construction solutions that can be applied to mitigate the condition;*
- b) *The proposed access will not result in undue delay or congestion or be detrimental to the safety of motoring public using the roadway; and*
- c) *That limiting access will create an exceptional and undue hardship on the applicant and that the permit issued will allow a reasonable use of the property.*
- d) *The applicant agrees to mitigate the negative impacts of proposed substandard access.*

Recommendation:

Staff would recommend that the following conditions be imposed in order to assure compliance with the Rochester Zoning Ordinance and Land Development Manual:

1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, park dedication, traffic improvements, access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
2. Grading & Drainage Plan approval is required prior to development. The proposed on-site storm water detention facility will serve less than 50 developable acres and will be private. Execution of an Ownership & Maintenance Agreement will be required for the proposed pond facility. A Storm Water Management fee will apply to any areas of this development that does not drain to an on-site facility, and are allowed to participate in the City's Storm Water Management Plan (SWMP).
3. Pedestrian facilities (5 foot wide sidewalk) shall be constructed along the entire frontage of this property abutting Rocky Creek Drive.
4. If the variance is not granted to the access spacing standards for the private roadway location to 26th Street NE the development shall be limited so that there is no more than 500 average daily trips using the private roadway access to Rocky Creek Drive NE.
5. Upon approval by the City Council for the Substantial Land Alteration, the applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property. If the City Council denies the Substantial Land Alteration, the development layout shall be redesigned to accommodate grades where there is no change 10 feet or more.
6. Parkland dedication requirements for this development must be met as specified in the memo from the Rochester Park and recreation Department dated December 30, 2002. The applicant should grant a public access easement to the City providing access to the private drive and parking area adjacent to the park site.

Land Development Manual Excerpts

Substantial Land Alteration

62.1102 Exempt Activities:

- 1) Except as required for a reclamation plan, which may be imposed on any of the following activities as part of any required City permit or approval process, the provisions of these Sections 62.1100 through 62.1113 shall not apply to the following activities:
 - a) The land area included within 15' or as reasonably defined by the City Engineer to allow soil stabilization of the identified boundaries of a building submitted for a building footing and foundation permit.
 - b) Stormwater management facilities or other public infrastructure approved by the City.
 - c) Excavations or blasting for wells, tunnels or utilities that have received all necessary governmental approvals.
 - d) Refuse disposal sites controlled by other applicable City, State or federal regulations.
 - e) On-going cemetery (burial) operations.
 - f) Development activity for which a general development plan, subdivision permit or other Type III approval has resulted in the review of the proposed cut and fill work and for which a grading permit is required. To qualify for this exemption, the Council shall have made the findings established in Section 62.1105.
 - g) Uses in the Central Development Core (CDC) District.

62.1105 Findings Necessary for Issuance of a Conditional Use Permit:

The City shall approve a conditional use permit authorizing an excavation activity only if all of the following findings with respect to the proposed activity are made, in addition to those listed in Section 61.146:

- 1) The activity will not result in a danger to life or property due to (1) steep or unstable slopes, (2) unsafe access to the property, (3) excessive traffic, or (4) proximity to existing or planned residential areas, parks and roadways;
- 2) Visual, noise, dust, and/or excessive on- or off-site environmental impacts on public parks, roadways and residential areas can be adequately mitigated by the Applicant and a fully detailed plan is submitted by the Applicant to demonstrate the mitigation methods to be used, the cost of such mitigation, the source of funds for such mitigation, and adequate legal assurance that all of such mitigation activities are carried out;
- 3) The use of trucks and heavy equipment will not adversely impact the safety and maintenance of public roads providing access to the site, or such impacts will be mitigated;

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- 4) The proposed use will not adversely affect air quality or ground water or surface water quality;
 - 5) The proposed use will not adversely affect the scenic quality of Rochester or the natural landscapes, environment, wildlife and wildlife habitat; or if such effects are anticipated to occur, the reclamation plan provides for adequate restoration of the site following completion of the excavation activity;
 - 6) The activity will be compatible with existing development and development anticipated in the future, including other uses as shown in the Comprehensive Plan, including but not limited to: patterns of land use, recreational uses, existing or planned development, public facilities, open space resources and other natural resources;
 - 7) The activity will not unduly affect the use and enjoyment of adjacent properties;
 - 8) The site plan provides for adequate buffers and screening year-round from unsightly features of the excavation operation;
 - 9) The reclamation plan provides for adequate and appropriate restoration and stabilization of cut and fill areas;
 - 10) The excavation activity will not result in negative impacts on drainage patterns or stormwater management facilities;
 - 11) The proposed activity will minimize impacts on sinkholes, wetlands and other natural features affecting ground water or surface water quality;
 - 12) The intensity and the anticipated duration of the proposed excavation activity is appropriate for the size and location of the activity;
 - 13) Permanent and interim erosion and sediment control plans have been approved by the City;
 - 14) Surety has been provided that guarantees the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive Plan, neighborhood plans, the Land Use Plan and applicable City policies.
 - 15) The proposed activity complies with the requirements of the adopted building code.
- 61.146 **Standards for Conditional Uses:** The zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:
- 1) Provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.
 - 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.

- 3) The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.
- 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.
- 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
- 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
- 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
- 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.

61.147 **Conditions on Approval:** In considering an application for a development permit to allow a Conditional Use, the designated hearing body shall consider and may impose modifications or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Paragraph 61.146.

64.146 **Substandard Access:** Where access meeting the spacing guidelines of Section 64.143 or the design objectives of Section 64.144 cannot be provided, the City Engineer shall be guided by the following process in determining whether a substandard access location may be permitted.

- 1) The City Engineer should first determine whether alternate access is available. Alternate access includes;
 - a) access to another street that meets the standards of the ordinance;
 - b) access provided jointly with an adjacent property that will meet the standards of the ordinance
- 2) Where alternate access opportunities are determined not to exist, the City Engineer may grant a reduction in spacing standards.
- 3) If after considering alternatives under (1) and (2) above the City Engineer determines that no feasible alternatives exist, a substandard access permit may be granted only subject to the variance provisions of Section 60.410 and the following findings:
 - d) Conditions or circumstances exist which limit the strict application of the ordinance, including the lack of a secondary access to another public street, the inability to use joint access, and the lack of engineering or construction solutions that can be applied to mitigate the condition;
 - e) The proposed access will not result in undue delay or congestion or be detrimental to the safety of motoring public using the roadway; and

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- f) That limiting access will create an exceptional and undue hardship on the applicant and that the permit issued will allow a reasonable use of the property.
 - 4) The applicant agrees to mitigate the negative impacts of proposed substandard access.

60.410 **Findings for Variances:** In taking action on a variance request, the approval authority shall make findings supporting the decision based on the following guidelines:

- 1) The approval authority may grant a variance to the provisions of this ordinance if it finds that:
 - a) there are extraordinary conditions or circumstances, such as irregularity, narrowness, or shallowness of the lot or exceptional topographical or physical conditions which are peculiar to the property and do not apply to other lands within the neighborhood or the same class of zoning district; and
 - b) the variance is necessary to permit the reasonable use of the property involved; and
 - c) the variance will not be materially detrimental to the public welfare or materially injurious to other property in the area, is in harmony with the general purpose and intent of this ordinance, and will not adversely affect implementation of the Comprehensive Plan; and
 - d) the variance as granted is the minimum necessary to provide reasonable economic use of the property.

The extraordinary conditions or circumstances shall be found not to be the result of an action by the applicant or property owners who have control of the property.

In addition, the approval authority shall find that development of the parcel in question cannot be integrated with development of adjacent parcels under the same ownership in such a manner so as to provide for the reasonable economic use of the total site in a manner consistent with the provisions of this ordinance.

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 12/2/02

The Department of Public Works has reviewed the application for General Development Plan #193, DesignMod#02-12, ZONE#02-13 for the proposed Rocky Creek Townhomes proposal. The following are Public Works comments on this request:

1. Public Works has no comments on the requested Zone change.
2. Public works has reviewed the Design Modification request, and has no objection to its approval.
3. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, park dedication, traffic improvements, access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
4. Grading & Drainage Plan approval is required prior to development. The proposed on-site storm water detention facility will serve less than 50 developable acres and will be private. Execution of an Ownership & Maintenance Agreement will be required for the proposed pond facility. A Storm Water Management fee will apply to any areas of this development that do not drain to an on-site facility, and are allowed to participate in the City's Storm Water Management Plan (SWMP).
5. Pedestrian facilities will be required along the entire frontage of this property abutting Rocky Creek Drive.
6. Specific routing of sanitary sewer and water lines will be reviewed further during the preliminary plat design stages.

Charges/fees applicable to the development of this property will be addressed in the Development Agreement and will include (rates below are current through 7/31/03):

- ❖ Water Availability Charge @ \$1790.25 per developable acre for the entire property
- ❖ Sewer Availability Charge (SAC) @ \$1790.25 for Lot 2, Block 1, Glendale 2nd Subd.
- ❖ Storm Water Management - TBD, for any areas that do not drain to an approved permanent on-site detention facility, and allowed to participate in the City's SWMP.
- ❖ Traffic Signs as determined by the City of Rochester Traffic Division.



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November 22, 2002

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: General Development Plan #193, Design Modification #02-12 and Zoning District Amendment #02-13 by Kendal Group to be known as Rocky Creek Townhomes to develop 22.86 acres of land with townhomes. Rezone 10.6 acres from R-1 to R-1x and 12.26 acres is zoned R-3. The applicant is also requesting approval for a Substantial Land Alteration to permit changing the grades by more than 10' and a design modification on access spacing standards.

Dear Ms. Garness:

Our review of the referenced application is complete and our comments follow:

1. The property may be subject to the water availability fee, connection fees or assessments. The Land Development Manager (507-281-6198) at the Public Works Department determines the applicability of these fees.
2. The lower portion of this property is within the Main Level Water System Area, which is available along Rocky Creek Dr. NE.
3. The upper portion of this property is within the NE Intermediate Level Water System Area, which is available at the 26th St. NE cul-de-sac.
4. The water mains in the private street areas must be looped per our requirements.
5. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Kendal Group
Yaggy Colby Associates

ROCHESTER-OLMSTED PLANNING DEPARTMENT
 2122 CAMPUS DRIVE SE - SUITE 100
 ROCHESTER, MN 55904
 PHONE (507) 285-8232
 FAX (507) 287-2275

Date: October 31, 2002
 To: Agencies Indicated Below
 From: Jennifer Garness, Planning Department
 Subject: General Development Plan #193 to be known as Rocky Creek Townhomes, Design Modification #02-12 and Zoning District Amendment #02-13 by Kendal Group. The applicant is proposing to develop a 22.86 acres of land with townhomes and uses permitted in the R-3 zoning district. The development would be served by private roadways. The applicant is also proposing to re-zone 10.6 acres from the R-1 (Mixed Single Family) district to the R-1x (Mixed Single Family Extra) zoning district to allow for townhomes. The remaining 12.26 acres is zoned R-3 (Medium Density Residential). The applicant is also requesting approval for a Substantial Land Alteration to permit changing grades by 10 feet or more on the property. The applicant is also requesting a design modification to the requirements of Chapter 64 of the Rochester Zoning Ordinance and Land Development Manual on access spacing standards in Section 64.143. The property is located east of North Broadway and South of Rocky Creek Drive NE and north and west of 26th Street NE.

This application is scheduled for consideration by the City Planning and Zoning Commission on December 11, 2002, in the Council/Board Chambers of the Government Center, 151 4th Street SE. In order for the Planning Department to prepare a thorough review of this application, we would appreciate receiving your comments by **November 27, 2002**. You may also appear at the meeting if you so desire. Your cooperation and assistance is greatly appreciated. *If you have comments, in addition to forwarding them to the Planning Department, please send a copy to:*

Kendall Group
 West 230 South 4513 Milky Way Rd
 Waukesha WI 53186
 (414) 333-2570

Yaggy Colby Associates
 Attn: Wade DuMond
 717 Third Ave SE
 Rochester MN 55904
 (507) 288-6464

288-5058

City Agencies

1. Public Works
Richard Freese
2. Fire Department
Lyle Felsch
3. Crime Prevention
Darrel Hildebrandt, Gov. Center
4. Crime Prevention
Steve Woslager
5. RPU Operations Division
Mike Engle
6. RPU Water Division
Donn Richardson
7. Park & Recreation
Denny Stotz
8. Building Safety
Ron Boose
9. City Attorney
Dave Goslee
10. Downtown Dev. Dist.
Doug Knott
11. City Administration
Terry Spaeth
12. Transportation Planner
Charlie Reiter
13. John Harford, Planning Dept.

County Agencies

14. Health Department
Rich Peter
15. Public Works
16. GIS Division
Randy Growden
17. Environmental Resource Services

Other Agencies

18. School Board
Jeff Kappers
19. Aquila
Neal Clausen
20. Aquila
Rory Lenton
21. Qwest
Julie Schletty
22. Charter Communications
23. MN DOT
Dale Maul
24. Post Office
Supervisor
25. MN DNR
Bob Bezek
26. SWCD
27. Peoples Coop
Rick Wellik
28. Peoples Coop
Sandy Sturgis
29. CUDE, Design Review Committee
Christine Schultze
30. Susan Waughtal Neighborhood
Organizer

11/6/02 Qwest
 feed utility
 easement all
 along private
 streets.
 Julie Schletty

139 /

RC STER-OLMSTED PLANNING DEPA. ENT
2122 CAMPUS DRIVE SE - SUITE 100
ROCHESTER, MN 55904
PHONE (507) 285-8232
FAX (507) 287-2275

Date: October 31, 2002
To: Agencies Indicated Below
From: Jennifer Garness, Planning Department
Subject: General Development Plan #193 to be known as Rocky Creek Townhomes, Design Modification #02-12 and Zoning District Amendment #02-13 by Kendal Group. The applicant is proposing to develop a 22.86 acres of land with townhomes and uses permitted in the R-3 zoning district. The development would be served by private roadways. The applicant is also proposing to re-zone 10.6 acres from the R-1 (Mixed Single Family) district to the R-1x (Mixed Single Family Extra) zoning district to allow for townhomes. The remaining 12.26 acres is zoned R-3 (Medium Density Residential). The applicant is also requesting approval for a Substantial Land Alteration to permit changing grades by 10 feet or more on the property. The applicant is also requesting a design modification to the requirements of Chapter 64 of the Rochester Zoning Ordinance and Land Development Manual on access spacing standards in Section 64.143. The property is located east of North Broadway and South of Rocky Creek Drive NE and north and west of 26th Street NE.

This application is scheduled for consideration by the City Planning and Zoning Commission on December 11, 2002, in the Council/Board Chambers of the Government Center, 151 4th Street SE. In order for the Planning Department to prepare a thorough review of this application, we would appreciate receiving your **comments by November 27, 2002**. You may also appear at the meeting if you so desire. Your cooperation and assistance is greatly appreciated. *If you have comments, in addition to forwarding them to the Planning Department, please send a copy to:*

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Organizer

13. John Hartford, Planning Dept.

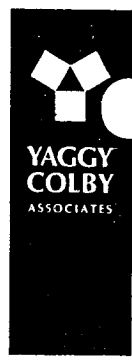
See previous comments on wetlands on this property. The area covered by cross section B-B in the past had been part of a drainage area from the wetlands land on the other side of the hill.

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ENGINEERS

ARCHITECTS

SURVEYORS



LANDSCAPE ARCHITECTS

PLANNERS

October 29, 2002

Ms. Mitzi Baker
Rochester-Olmsted Planning Department
2122 Campus Drive SE
Rochester, MN 55904

**RE: Substantial Land Alteration and Design Modification Requests
Rocky Creek Townhomes
Rochester, Minnesota**

Dear Ms. Baker:

This letter is to serve as a request for a Substantial Land Alteration (SLA) and a Design Modification for the Rocky Creek Townhomes General Development Plan. Please see the attached Substantial Land Alteration Map indicating the areas requiring a SLA.

The property will be regraded to be suitable for residential applications. The grading, streets, and utilities are planned to be completed in summer 2003. Generally, the private streets will be graded to ten percent (10%) slopes or less. All slopes greater than 4:1 will be stabilized with wood fiber blanket when seeded.

The Design Modification request is under Section 60.424, Paragraph 9 for the "Access Spacing Standards" requirement in Section 64.143. Rochester Public Works has indicated that they will look at our private street access locations as intersecting streets, and our access onto 26th Street NE (cul-de-sac on east side) is closer than the minimum 35 feet from existing driveways on both sides of the platted access. The platted access this development has onto 26th Street NE does not allow for any other location for a secondary access, and the spacing of this platted access will not meet current ordinance requirements. If this second access were not allowed, there would be hardship in not meeting other sections of the ordinance, specifically the secondary access requirement under Section 64.127. The requested modification would not be a detriment to the public welfare as the majority of the traffic will not use this access because it is much more indirect than our main access onto Rocky Creek Drive NE.

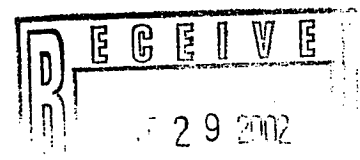
Please call if you have any questions.

Sincerely,

YAGGY COLBY ASSOCIATES

Wade DuMond, ASLA

WD:ws
YCA #7784 LD2



Attachment: Plan with greater than 10' cuts and fills marked

ROCHESTER OFFICE

717 Third Avenue S

Rochester, MN 55904

507-288-646

Fax 507-288-505

MASON CITY OFFICE

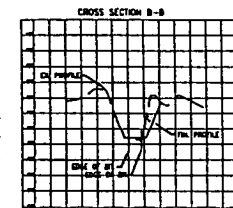
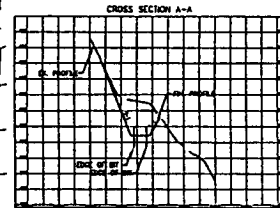
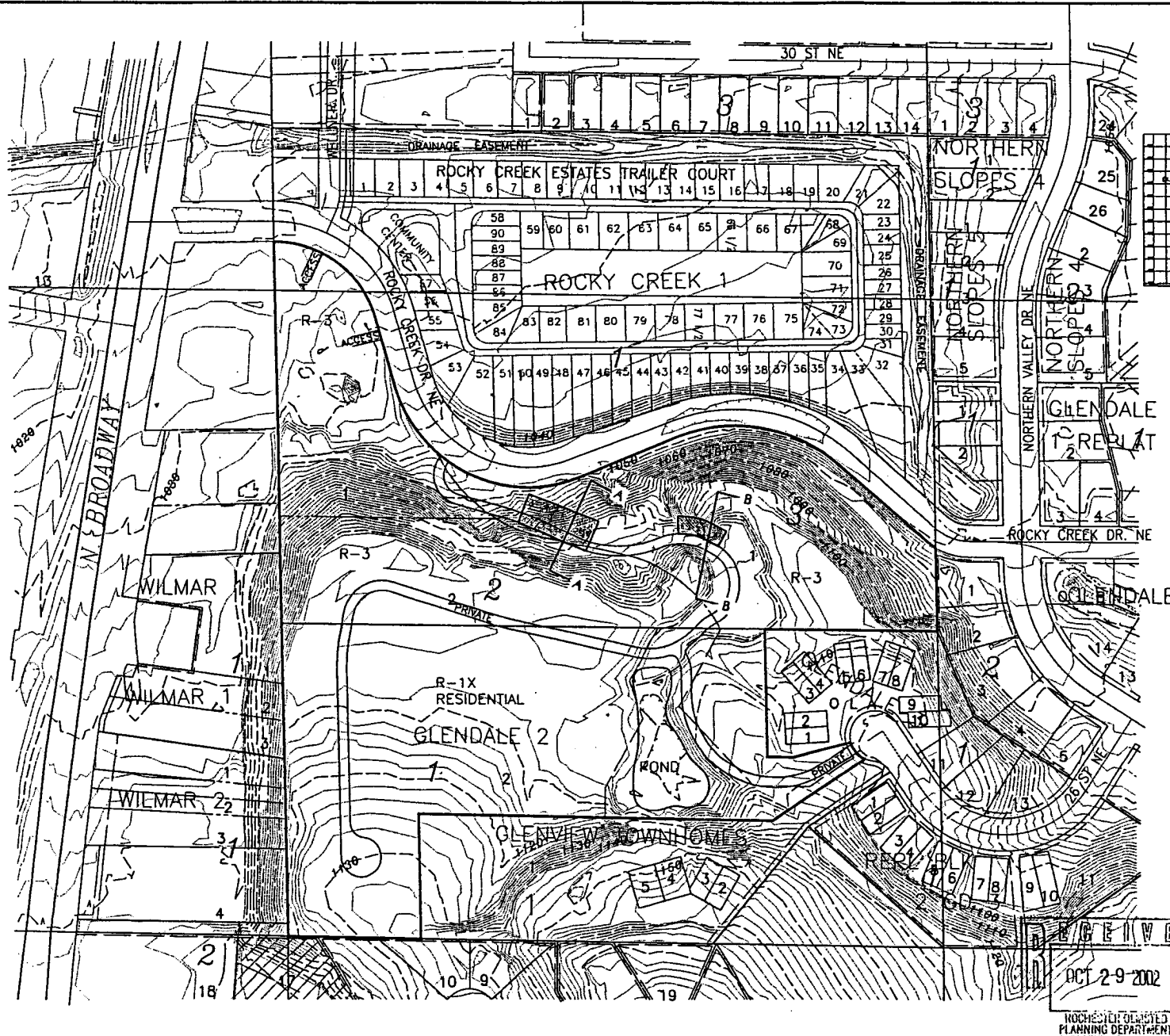
641-424-634

DELAFIELD OFFICE

262-646-685

Equal Opportunity Employer

yaggy.com



OWNER / DEVELOPER

RENDAL GROUP
WEST 210 SOUTH 4513 AILEY WAY RD
WAUKESHA, WI 53186
PHONE NO. 2614 333-2570

LEGEND

---1210--- EXISTING CONTOURS
---1210--- CUT 10' OR GREATER



0 50 100 200
SCALE IN FEET

NOTE: ALL DISTURBED AREAS TO BE SEEDED w/ MINOT SEED MIX R408 AND TYPE 1 MULCH - DEK ANCHORED.
ALL CONSTRUCTION TO BE PER CITY OF ROCHESTER STANDARD DETAILS AND SPECIFICATIONS.
OWNER AND CONTRACTOR TO OBTAIN NEPES PERMIT.

ROCHESTER PLANNING DEPARTMENT



ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS
717 THIRD AVENUE SOUTH 451
ROCHESTER, MINNESOTA 55904
TEL 787-288-6444
FAX 787-288-6444
EMAIL INFO@YAGGYCOLBY.COM

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

TYPE NAME HERE

NUMBER DATE

ROCKY CREEK TOWNHOMES

ROCHESTER, MINNESOTA

SUBSTANTIAL LAND ALTERATION

PROJECT NUMBER 778A
COMPUTER FILE 2WC
DATE 1/02
DRAWN BY LYNE
CHECKED BY WU
REVISIONS

SHEET NUMBER

1
OF ONE SHEET

SUBSTANTIAL LAND ALTERATION

1/14/1

Mr. Staver stated that the applicant submitted a letter requesting that the items be continued to January 8, 2003.

Ms. Petersson moved to continue Land Use Plan Amendment #02-06, Zoning District Amendment #02-15, and General Development Plan #195 by Mark Leitzen to January 8, 2003. Mr. Ohly seconded the motion. The motion carried 8-0.

Mr. Burke asked why the applicant requested the items to be continued.

Mr. Svenby responded that the consultant needed additional time to work with staff on some items.

General Development Plan #193 to be known as Rocky Creek Townhomes, Design Modification #02-12 and Zoning District Amendment #02-13 by Kendal Group. The applicant is proposing to develop 22.86 acres of land with townhomes and uses permitted in the R-3 zoning district. The development would be served by private roadways. The applicant is also proposing to re-zone 10.6 acres from the R-1 (Mixed Single Family) district to the R-1x (Mixed Single Family Extra) zoning district to allow for townhomes. The remaining 12.26 acres is zoned R-3 (Medium Density Residential). The applicant is also requesting approval for a Substantial Land Alteration to permit changing grades by 10 feet or more on the property. The applicant is also requesting a design modification to the requirements of Chapter 64 of the Rochester Zoning Ordinance and Land Development Manual on access spacing standards in Section 64.143. The property is located east of North Broadway and South of Rocky Creek Drive NE and north and west of 26th Street NE,

Mr. Brent Svenby presented the staff reports, dated December 6, 2002, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that a meeting was held today with the Park and Recreation Department and the applicant's consultant to discuss the addition of a tot lot to the general development plan. He explained that the applicant would provide the revised plan to the Rochester-Olmsted Planning Department prior to the City Council meeting.

Mr. Svenby explained that, after further review of the Ordinance, staff concluded that the applicant needed a variance to the access spacing standards instead of a design modification. Therefore, he asked the Commission not to act on the design modification and explained that the variance would be heard before the City Council.

The applicant's representative Mr. Dale Allen, of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN) addressed the Commission. He stated that the applicant agreed with the staff-recommended conditions. He also stated that the applicant agrees to provide a tot lot park space on the general development plan.

Mr. Burke asked if there would be any type of restriction to access 26th Street NE to focus the direction of traffic to Rocky Creek Drive.

Mr. Allen responded that the main concern is construction traffic. It was explained to neighbors that they plan to direct all construction traffic north and not onto 26th Street NE.

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Mr. John Stadelman, of 780 26th Street NE, Rochester MN, addressed the Commission. He asked if it was necessary to have two accesses into the development.

Ms. Petersson responded yes for fire safety.

Mr. Stadelman stated that many people did not understand what the R-1x zoning district consisted of. He asked if any other structures could be put in the development besides townhomes. He expressed concern with the possibility of manufactured homes being allowed in the development.

Mr. Staver explained that townhomes and duplexes would be allowed. He explained that 4-plexes would not be allowed.

Mr. Stadelman questioned if a trailer park could be located within the development.

Mr. Svenby responded that single-family attached or detached, duplexes, and townhomes would be allowed within the development.

Mr. Svenby explained that a conditional use permit would be required if they applicant wished to construct a manufactured home park. The request of a conditional use permit would initiate a public review process; at which time the neighboring properties would be notified.

Mr. Stadelman explained that a swale was presently located west of his property to drain standing water. He indicated that part of the swale is located on the proposed development. He expressed concern that buildings could be located on the swale.

Mr. Staver explained that there would be a grading plan submitted and reviewed.

Mr. Allen stated that he spoke with Mr. Stadelman today. He stated that he would contact Mr. Stadelman once they get to the design stage.

Mr. Stadelman stated that his main concern is what type of structures could be built. He also expressed concern with where snow would be piled within the development. He asked if there was a service by the City to haul the snow from the cul-de-sac.

Mr. Staver explained that he would need to speak with City Public Works.

Mr. Burke stated that he would probably have to contact a private hauler to haul the snow from their driveways.

Mr. Staver suggested that Mr. Stadelman speak with his Council representative if it becomes a problem.

Mr. Ray Kim, of 2577 Northridge Lane NE, Rochester MN, addressed the Commission. He thanked the Commission for providing information on the internet. He stated that the R-1x zoning district is not consistent with the neighborhood. He stated that he did not want manufactured homes built in the area. He asked if the Commission could recommend R-1x, but to not allow manufactured homes in their recommendation.

Mr. Staver responded that the Commission does not know what the applicant proposes to build at this time. However, if the applicant wanted to construct a manufactured home park, they would need to apply for a conditional use permit and go through a public review process again.

Ms. Natalie Kline, of 810 26th Street NE, Rochester MN, addressed the Commission. She stated that it was her understanding that the pond would be privately owned and maintained. She expressed concern with regard to standing water attracting insects. She asked if there was any type of enforcement or penalty if they do not take care of the stagnant water.

Mr. Svenby responded that the pond would need to be designed according to City standards. He explained that the pond would be designed to hold water throughout the year, just like other ponds within the City.

Ms. Petersson stated that she had not heard of many problems in other areas with ponds.

Mr. Allen explained that it would be a wet pond. However, the pond will recharge and should not have insect problems. He stated that there is probably standing water there at the present time.

Mr. Staver explained that there are a number of ponds within the City that get recharged during rain events.

Ms. Kline expressed concern with traffic on Rocky Creek Drive. She stated that it was only a two-lane road. She asked if the City could make sure that there was no parking along the roadway.

Mr. Staver asked if the roadway is currently posted no parking.

Ms. Kline responded only part way.

Mr. Svenby explained that, as more traffic develops in the area, traffic engineers would look into the issue.

Mr. Staver stated that, if it became a problem, it could be posted.

Mr. Svenby stated that there was a secondary access requirement once there are 500 daily trips.

Mr. Larry Prince, of 904 Northern Valley Drive N, Rochester MN, addressed the Commission. He asked if the substantial land alteration would be limited to the area that was outlined in the presentation.

Mr. Staver responded yes.

Mr. Burke stated that all of the material that would be removed would be kept on site.

With no one else wishing to be heard, Mr. Staver closed the public hearing.

Ms. Petersson moved to recommend approval of Zoning District Amendment #02-13 by the Kendal Group with staff-recommended findings. Mr. Quinn seconded the motion.

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The motion carried 7-0, with Ms. Wiesner abstaining.

Ms. Petersson moved to recommend approval of General Development Plan #193 to be known as Rocky Creek Townhomes by the Kendal Group based on staff recommended findings, conditions, and with the applicant providing updated plans as discussed with the Park and Recreation Department to staff prior to the City Council meeting. Ms. Rivas seconded the motion. The motion carried 7-0, with Ms. Wiesner abstaining.

CONDITIONS:

1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, park dedication, traffic improvements, access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
2. Grading & Drainage Plan approval is required prior to development. The proposed on-site storm water detention facility will serve less than 50 developable acres and will be private. Execution of an Ownership & Maintenance Agreement will be required for the proposed pond facility. A Storm Water Management fee will apply to any areas of this development that does not drain to an on-site facility, and are allowed to participate in the City's Storm Water Management Plan (SWMP).
3. Pedestrian facilities (5 foot wide sidewalk) shall be constructed along the entire frontage of this property abutting Rocky Creek Drive.
4. If the variance is not granted to the access spacing standards for the private roadway location to 26th Street NE the development shall be limited so that there is no more than 500 average daily trips using the private roadway access to Rocky Creek Drive NE.
5. Upon approval by the City Council for the Substantial Land Alteration, the applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property. If the City Council denies the Substantial Land Alteration, the development layout shall be redesigned to accommodate grades where there is no change 10 feet or more.

Ms. Petersson moved to recommend approval of the substantial land alterations for the Kendall Group based on staff-recommended findings. Ms. Rivas seconded the motion. The motion carried 7-0, with Ms. Wiesner abstaining.

~~Text Amendment #02-06 initiated by the City Planning and Zoning Commission, to amend Section 65.510(5)(a) of the Rochester Zoning Ordinance and Land Development Manual. This section, Termination of Nonconforming Advertising Signs, covers the standards for use of advertising sign credits.~~

Mr. John Harford presented the Staff report, dated October 31, 2002, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

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REQUEST FOR COUNCIL ACTION

MEETING
DATE: 01-06-03

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-4
ITEM DESCRIPTION: Final Plat #02-61 to be known as Garden Acres First Replat by Todd Robertson. The Plat proposes to replat Lots 15, 22 and parts of Lots 14, 21 and 23, Block 2 Garden Acres into 2 lots. The property is located along the east side of South Broadway (TH 63), along the west side of Third Avenue SE and south of 21 st Street SE.		PREPARED BY: Theresa Fogarty, Planner

December 31, 2002

Planning Department Review:

See attached staff report dated December 31, 2002, recommending approval subject to the following modifications / conditions:

1. *Pedestrian Facility obligations for the frontage of Lot 2, Block 1 shall be addressed through the Site Development Plan application review process for the development of Lot 1, Block 1.*
2. *Stormwater Management is required and shall be addressed through the Site Development Plan application review process for individual lot development.*
3. *Execution of a City-Owner Contract shall be required if the extension of public watermain and/or the addition of fire hydrant(s) is required for this property.*
4. *The Sewer Availability Charge (SAC) for Lot 2 shall be calculated through the Site Development Plan review process and shall be due prior to issuance of a utility connection permit, and shall be based on the rate in place at the time of payment.*
5. *The applicant shall obtain an Olmsted County access permit for any proposed change in access.*

Council Action Needed:

1. *A resolution approving the plat can be adopted.*

Attachment:

1. Staff Report dated December 31, 2002.

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney
4. Planning Department File
5. Planning Department, GIS Division
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, January 6, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
7. Pape Engineering & Land Surveying

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

OFFICIAL PLAT

GARDEN ACRES FIRST REPLAT

INSTRUMENT OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That Whitetail Development, LLP, a Minnesota Limited Liability Partnership, and Merchants Bank, a National Association, mortgagee, collectively as owners and proprietors of the following described property situated in the City of Rochester, County of Olmsted, State of Minnesota, to wit:

Lot 14 except the North 37.00 feet and Lot 23 except the North 37.00 feet; also Lot 15, Lot 22, and Lot 21 except the South 28.00 feet thereof all in Block 2, Garden Acres, according to the official plat thereof on file at the Olmsted County Recorder's Office, City of Rochester, Olmsted County, Minnesota, subject to existing Trunk Highway Number 63 right-of-way, easements and restrictions of record.

Containing 41,521 square feet, more or less.

Have caused the same to be surveyed and platted as GARDEN ACRES FIRST REPLAT and do hereby donate and dedicate to the public for public use forever the thoroughfare and grant the easements as shown on this plat.

In witness whereof, said Whitetail Development, LLP, has caused these presents to be signed by its proper Officer, Todd Robertson, President of Whitetail Development, LLP, this ____ day of ____ 2002.

Todd Robertson, President

STATE OF MINNESOTA
COUNTY OF OLMTED

The foregoing instrument was acknowledged before me this ____ day of ____ 2002, by Todd Robertson, President of Whitetail Development, LLP, on behalf of the Limited Liability Partnership.

Notary Public, Olmsted County, MN

My Commission Expires ____

In witness whereof, said Merchants Bank, a National Association, has caused these presents to be signed by its proper officer this ____ day of ____ 2002.

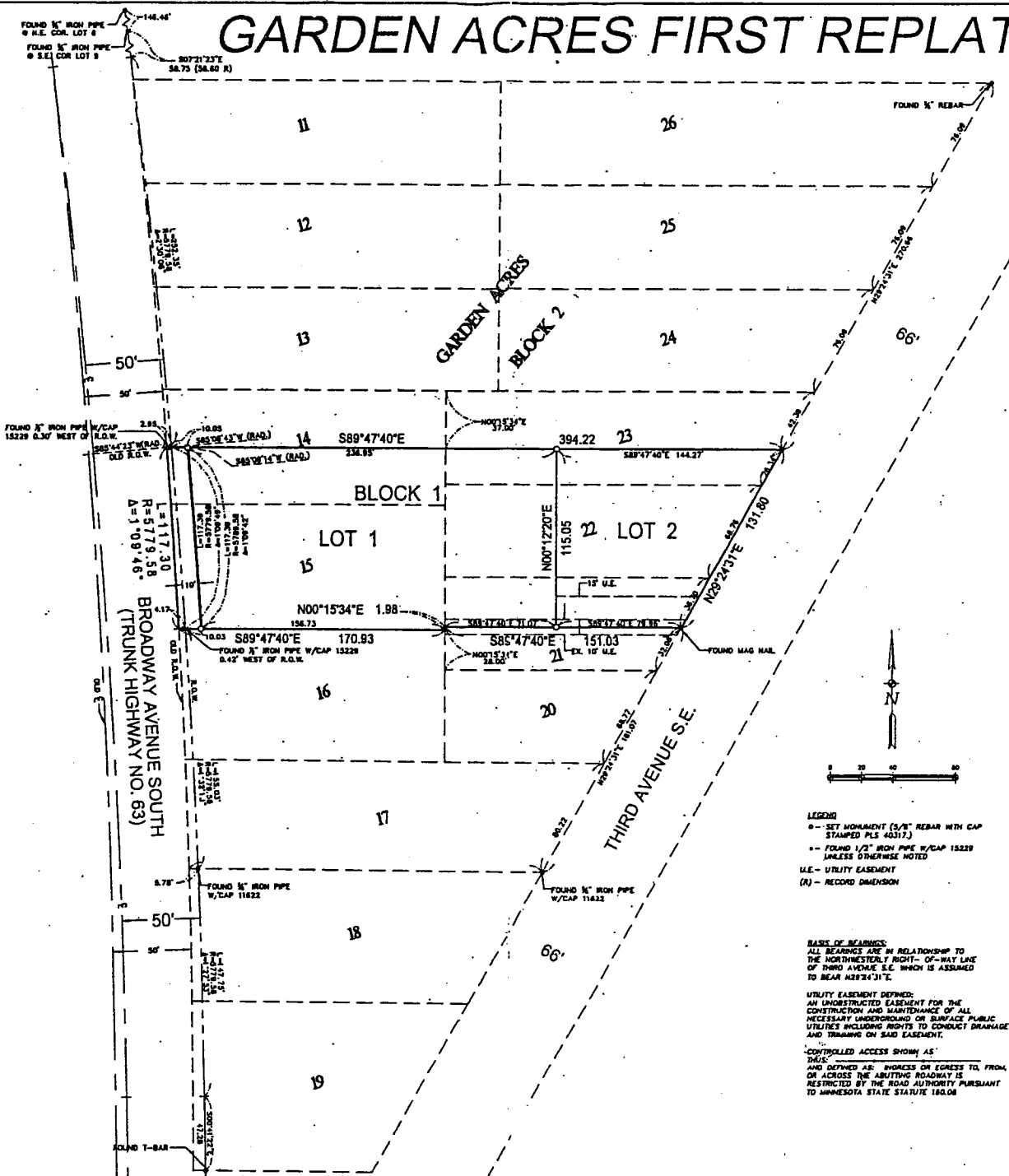
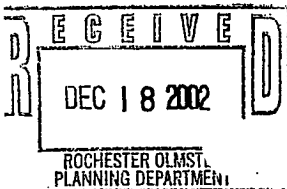
John C. Doyle, President

STATE OF MINNESOTA
COUNTY OF OLMTED

The foregoing instrument was acknowledged before me this ____ day of ____ 2002, by John C. Doyle, President, on behalf of the association.

Notary Public, Olmsted County, MN

My Commission Expires ____



PROPERTY RECORDS AND LICENSING

Taxes payable in the year 2002 on the land herein above described have been paid, there are no delinquent taxes and transfer has been entered this ____ day of ____ 2002.

DOCUMENT NUMBER

I hereby certify that this instrument was filed in the Office of Property Records and Licensing for the record on this ____ day of ____ 2002, at ____ o'clock ____ m. and was duly recorded in the Olmsted County Records.

Director of Property Records & Licensing

Deputy

COUNTY SURVEYOR

I certify that this plat has been checked mathematically and that the plat conforms to the applicable laws, this day of ____ 2002.

County Surveyor

CITY APPROVAL

STATE OF MINNESOTA
COUNTY OF OLMTED
CITY OF ROCHESTER

I, Judy K. Scherr, City Clerk, in and for the City of Rochester, do hereby certify that on the ____ day of ____ 2002, the accompanying plat was duly approved by the Common Council of the City of Rochester. In testimony whereof, I have hereunto signed my name and affixed the seal of said City of Rochester this ____ day of ____ 2002.

Judy K. Scherr, City Clerk

SURVEYOR'S CERTIFICATE

I do hereby certify that I have surveyed and platted the property described on this plat as GARDEN ACRES FIRST REPLAT, that this plat is a correct representation of the survey, that all distances are correctly shown on said plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands as defined by MS 505.02, Subd. 1, or public highways to be designated other than as shown.

Kirk L. Pape, P.L.S.
Minnesota License No. 40317

State of Minnesota
County of Olmsted

The surveyor's certificate was subscribed and sworn to before me, a Notary Public, this ____ day of ____ 2002.

Notary Public, Olmsted County, Minnesota

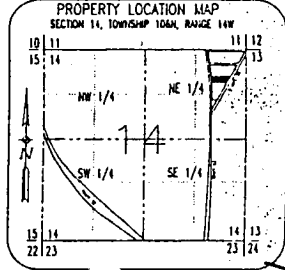
My commission expires: ____

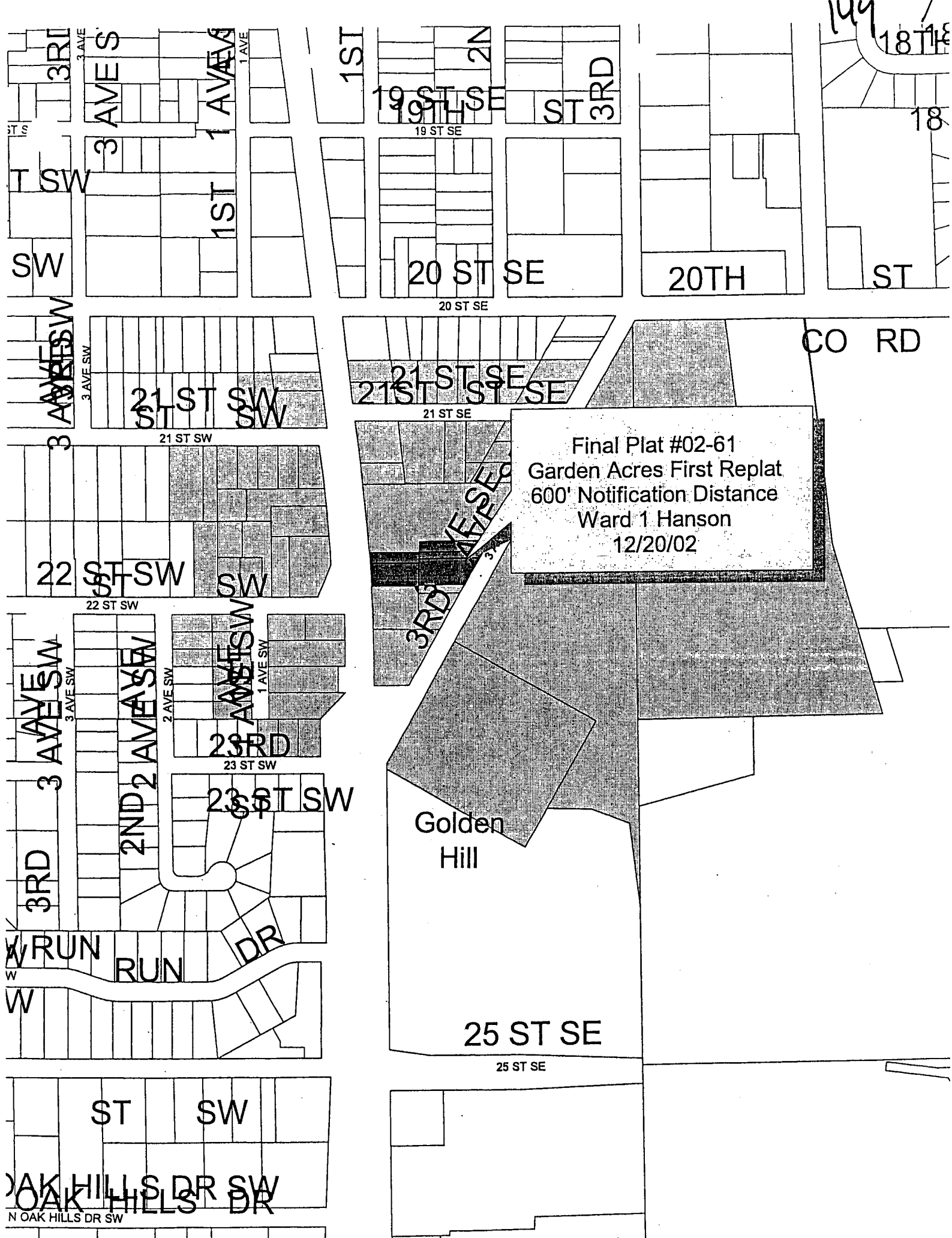
LEGEND
● - SET MONUMENT (5/8" REBAR WITH CAP STAMPED PLS 40317)
-- FOUND 1/2" IRON PIPE W/CAP 15229 UNLESS OTHERWISE NOTED
U.E. - UTILITY EASEMENT
(R) - RECORD DIMENSION

BASE OF BEARINGS:
ALL BEARINGS ARE IN RELATIONSHIP TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THIRD AVENUE S.E. WHICH IS ASSUMED TO BEAR N28°24'31"E.

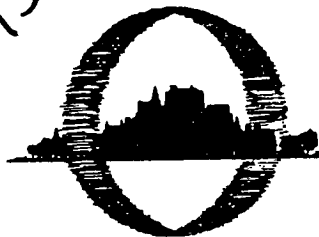
UTILITY EASEMENT DEFINED:
AN UNOBSTRUCTED EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF ALL NECESSARY UNDERGROUND OR SURFACE PUBLIC UTILITIES INCLUDING RIGHTS TO CONDUCT DRAINAGE AND TRAFFIC ON SAID EASEMENT.

CONTROLLED ACCESS SHOWN AS:
THUS:
AND DEFINED AS: INGRESS OR EGRESS TO, FROM, OR ACROSS THE ADJUTING ROADWAY IS RESTRICTED BY THE ROAD AUTHORITY PURSUANT TO MINNESOTA STATE STATUTE 160.08





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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: Rochester Common Council

FROM: Theresa Fogarty, Planner

DATE: December 31, 2002

RE: Final Plat #02-61 to be known as Garden Acres First Replat by Todd Robertson. The Plat proposes to replat Lots 15, 22 and parts of Lots 14, 21 and 23, Block 2 Garden Acres into 2 lots. The property is located along the east side of South Broadway (TH 63), along the west side of Third Avenue SE and south of 21st Street SE.

Planning Department Review:

Applicant/Owner:

Todd Robertson
1756 Broadway South
Rochester, MN 55904

Surveyors/Engineers:

Pape Engineering & Land Surveying, Inc.
601 SW 36th Street
Rochester, MN 55902

Referral Comments:

1. Rochester Public Works Department
2. Olmsted County Public Works Department

Report Attachments:

1. Referral Comments (2 Letters)
2. Copy of Final Plat
3. Location Map

Plat Data:

Location of Property:

This plat is located along the east side of South Broadway (TH 63), along the west side of Third Avenue SE and south of 21st Street SE.

Zoning:

Lots 14 & 15 are zoned M-1 (Mixed Commercial Industrial) district and Lots 21, 22 and 23 are zoned B-4 (General Commercial) on the City of Rochester Zoning Map.

Proposed Development:

This proposal is to re-plat Lots 15, 22 and part of Lots 14, 21 & 23, Block 2 Garden Acres.



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Roadways:

There are no new roadways being dedicated with this plat.

Any proposed change in access requires an Olmsted County access permit.

Pedestrian Facilities:

There is an executed Pedestrian Facilities Agreement for the proposed Lot 1, Block 1 of this plat. Pedestrian obligations for the frontage of Lot 2, Block 1 will be addressed through the Site Development Plan application review for development of Lot 1, Block 1.

Wetlands:

Minnesota Statutes now require that all developments be reviewed for the presence of wetlands or hydric soils. The Soils Survey does not indicate hydric soils within this Plat.

Drainage:

Grading and drainage plans for the development of each lot will be determined at the time of Site Plan Development Review, if grading will involve movement of more than 50 cubic yards of material.

Public Utilities:

Stormwater management is required and will be addressed through the Site Development Plan application review, at the time of individual lot development.

Execution of a City-Owner Contract will be required if the extension of public watermain and/or the addition of fire hydrant(s) is required for this property.

Spillover Parking:

Parking for the development of each lot will be determined at the time of Site Plan Development Review.

Parkland Dedication:

The property will not be used for residential development, therefore there are no parkland dedication requirements.

Preliminary Plat:

According to Section 61.221 of the Land Development Manual "A subdivision in which all proposed lots front on a platted or dedicated street right-of-way and no major changes to the right-of-way are proposed may be exempted from the requirements of this paragraph (Land Subdivision Permit).

Planning Staff Review and Recommendation:

The Planning Staff has reviewed the submitted final plat in accordance with the Rochester Zoning Ordinance and Land Development Manual, Section 61.225 and would recommend approval subject to the following conditions:

- 1. Pedestrian Facility obligations for the frontage of Lot 2, Block 1 shall be addressed through the Site Development Plan application review process for the development of Lot 1, Block 1.***
- 2. Stormwater Management is required and shall be addressed through the Site Development Plan application review process for individual lot development.***
- 3. Execution of a City-Owner Contract shall be required if the extension of public watermain and/or the addition of fire hydrant(s) is required for this property.***
- 4. The Sewer Availability Charge (SAC) for Lot 2 shall be calculated through the Site Development Plan review process and shall be due prior to issuance of a utility connection permit, and shall be based on the rate in place at the time of payment.***
- 5. The applicant shall obtain an Olmsted County access permit for any proposed change in access.***

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 12/27/02

The Department of Public Works has reviewed the application for Final Plat #02-61, for Garden Acres First Replat. The following are Public Works comments on this request:

1. There is an executed Pedestrian Facilities Agreement for the proposed Lot 1, Block 1 of this plat. Pedestrian facility obligations for the frontage of Lot 2, Block 1, will be addressed through the SDP application review for development of Lot 1, Block 1.
 2. Execution of a City-Owner Contract will be required if the extension of public watermain and/or the addition of hydrant(s) is required for this property.
 3. Stormwater Management is required and will be addressed through SDP application review for individual lot development.
 4. Grading plan approval will be required at the time of individual lot development, if grading will involve movement of more than 50 cu.yds of material.
- ❖ A Sewer Availability Charge (SAC) has been calculated for the proposed Lot 1 of this plat through the SDP#02-65 review process. The applicable SAC charge for Lot 2 will be calculated through the SDP review process for that lot, and will be due prior to issuance of a utility connection permit, and be based on the rate in place at the time of payment.



PUBLIC WORKS DEPARTMENT
2122 CAMPUS DR SE - SUITE 200
ROCHESTER MN 55904-4744
www.olmstedpublicworks.com
507.285.8231

December 27, 2002

Jennifer Garness
Planning Department

Dear Jennifer:

The Public Works Department has reviewed Final Plat #02-61 to be known as Garden Acres and has the following comment:

- ***Any proposed change in access requires an Olmsted County access permit.***

Sincerely,

Michael Sheehan
County Engineer

MS:ss



REQUEST FOR COUNCIL ACTION

MEETING
DATE: 01-06-03

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-5
ITEM DESCRIPTION: Final Plat #02-63 to be known as 19 th Street Business Park by 19 th Street Business Park, LLC. The Plat proposes to subdivide approximately 4.40 acres into 3 lots for commercial development. The property is located along the south side of 19 th Street NW, east of West Circle Drive and west of Rochester Athletic Club.		PREPARED BY: Theresa Fogarty, Planner

January 2, 2003

Planning Department Review:

See attached staff report dated January 2, 2003, recommending approval subject to the following modifications / conditions:

1. *The applicant shall coordinate with the Planning Department – Addressing Staff, the roadway naming of the private roadway within this plat, at the time of addressing to prevent duplication of roadway designation within this postal area.*

Council Action Needed:

1. *A resolution approving the plat can be adopted.*

Attachment:

1. Staff Report dated January 2, 2003.

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney
4. Planning Department File
5. Planning Department, GIS Division
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, January 6, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
7. GGG Engineering

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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19TH STREET BUSINESS PARK

LOT 15, BLOCK 1
REPLAT OF A PART OF LOT 5 & ALL OF LOT 6, BLOCK 1, HENDRICK'S SUBDIVISION

SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed and plotted the property described on this plat as 19TH STREET BUSINESS PARK; that this plat is a correct representation of the survey; that all distances are correctly shown on the plat in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat; and that there are no wetlands as defined in MS 505.02, Subd 1, or public highways to be designated other than as shown.

Geoffrey G. Griffin, L.S.
Minnesota License Number 21940

State of Minnesota
County of _____
The surveyor's certificate was subscribed and sworn to before me, a Notary Public, this _____ day of _____ 2003.

Notary Public, _____ County, Minnesota

My commission expires: _____

COUNTY SURVEYOR

I certify that this plat has been checked mathematically and that the plat conforms to the applicable laws, this _____ day of _____ 2003.

Olmeted County Surveyor

PROPERTY RECORDS AND LICENSING

Taxes payable in the year 2003 on the land herein described have been paid, there are no delinquent taxes and transfer has been entered this _____ day of _____ 2003.

DOCUMENT NUMBER _____

I hereby certify that this instrument was filed in the Office of Property Records and Licensing for the record on this _____ day of _____ 2003, at _____ o'clock _____ M., and was duly recorded in the Olmeted County records.

Director of Property Records & Licensing

Deputy

CITY APPROVAL

State of Minnesota
County of Olmeted
City of Rochester

I, Judy K. Scherr, in and for the City of Rochester, do hereby certify that on the _____ day of _____ 2003, the accompanying plat was duly approved by the Common Council of the City of Rochester. In testimony thereof I have hereunto signed by name and affixed the seal of said City of Rochester this _____ day of _____ 2003.

Judy K. Scherr, City Clerk

INSTRUMENT OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That 19th Street Business Park, LLC, a Minnesota limited liability company, owner and proprietor of the following described property in the City of Rochester, State of Minnesota, to wit:

Beginning at the Northwest corner of the Northeast Quarter of Southwest Quarter of Section 28, Township 107, Range 14, Olmeted County, Minnesota; thence southerly, along the West line of said Northeast Quarter of Southwest Quarter, a distance of 422.30 feet; thence easterly, parallel with the North line of said Northeast Quarter of Southwest Quarter, a distance of 867.70 feet; thence northerly, a distance of 422.30 feet to said North line and a point 874.00 feet easterly of the Northwest corner of said Northeast Quarter of Southwest Quarter; thence westerly, along the North line of said Northeast Quarter of Southwest Quarter, a distance of 874.00 feet to the point of beginning; EXCEPTING therefrom the northerly 50.00 feet and the westerly 155.00 feet thereof, containing 4.48 acres, more or less.

Have caused the same to be surveyed and plotted as 19TH STREET BUSINESS PARK and do hereby donate and dedicate to the public use forever the easements as shown on this plat.

In witness whereof said 19th Street Business Park, LLC has caused these presents to be signed by its proper officers this _____ day of _____ 2003.

Larry L. Corbin - President

State of Minnesota
County of _____

The foregoing instrument was acknowledged before me this _____ day of _____ 2003, by Larry L. Corbin, President of 19th Street Business Park, LLC.

Notary Public, _____ County, Minnesota

My commission expires: _____

KNOW ALL MEN BY THESE PRESENTS: That US Bank National Association, holder of a mortgage on the above described property hereby consents to the plat described herein including the dedication and donation to the public use forever the easements as shown on this plat.

US Bank NATIONAL ASSOCIATION

By _____ Title: Vice President
Michelle L. Martin

By _____ Title: Assistant Vice President
Allen M. Schmidt

State of Minnesota
County of _____

On _____ 2003, before me, a Notary Public within and for said County, personally appeared Michelle L. Martin to me personally known, who, being by me duly sworn did say that he/she is Vice President of US Bank National Association, and that said instrument was signed on behalf of US Bank National Association, and acknowledged said instrument to be the free act and deed of said Association.

State of Minnesota
County of _____
Notary Public

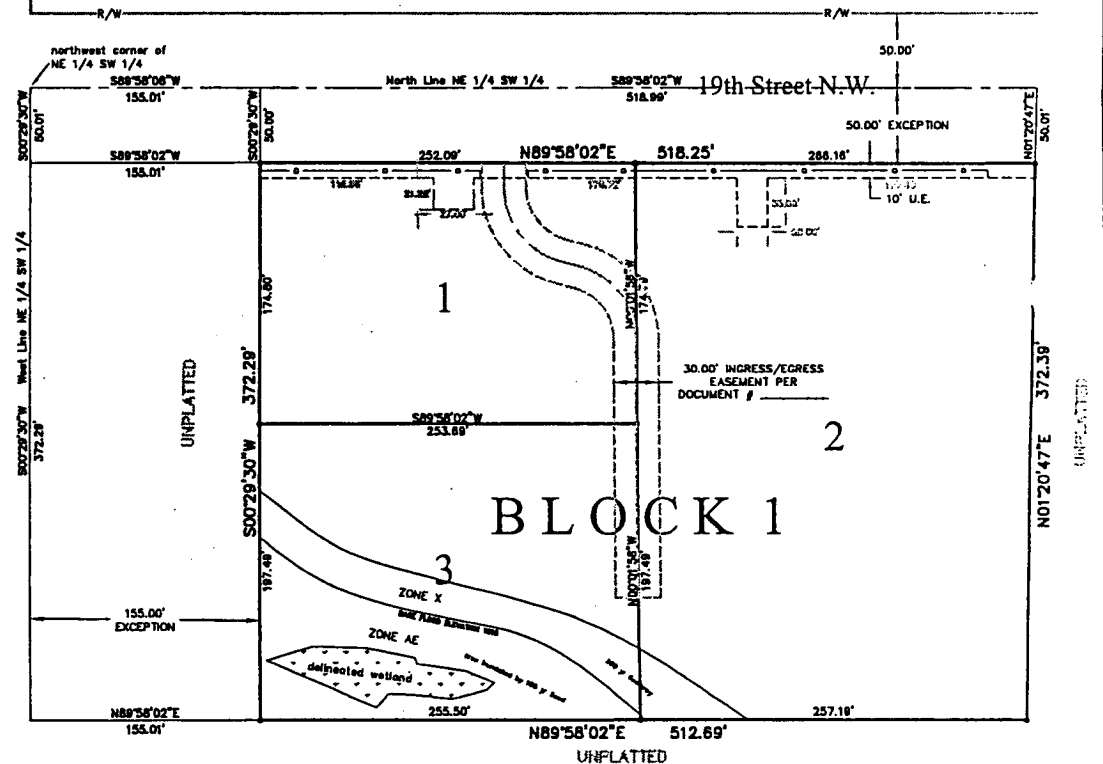
On _____ 2003, before me, a Notary Public within and for said County, personally appeared Allen M. Schmidt to me personally known, who, being by me duly sworn did say that he/she is Assistant Vice President of US Bank National Association, and that said instrument was signed on behalf of US Bank National Association, and acknowledged said instrument to be the free act and deed of said Association.

State of Minnesota
County of _____
Notary Public

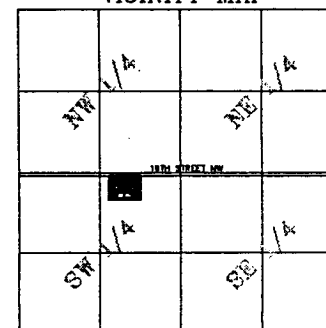
BEARINGS
ALL BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER SECTION 28, TOWNSHIP 107 NORTH, RANGE 14 WEST WHICH IS ASSUMED TO BEAR N89°58'02"E.

CONTROLLED ACCESS DEFINED
INGRESS AND EGRESS TO, FROM OR ACROSS THE ABUTTING ROADWAY IS RESTRICTED BY THE ROAD AUTHORITY PURSUANT TO MINNESOTA STATE STATUTE 160.08.

UTILITY EASEMENT DEFINED
AN UNOBSTRUCTED EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF ALL NECESSARY UNDERGROUND OR SURFACE PUBLIC UTILITIES INCLUDING THE RIGHTS TO CONDUCT DRAINAGE AND TRIMMING ON SAID EASEMENT.

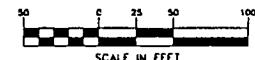


VICINITY MAP

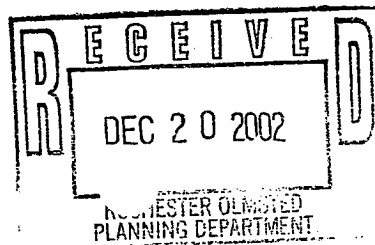


LEGEND

- IRON PIPE WITH PLASTIC CAP
- STAMPED R.L.S. 21940 SET
- FOUND IRON PIPE W/ CAP STAI
- R.L.S. 15229 UNLESS OTHERWISE
- UTILITY EASEMENT
- DRAINAGE EASEMENT
- CONTROLLED ACCESS
- EASEMENT LINE
- QUARTER LINE

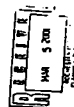


Engineering
Surveying
Planning
14079 Hwy 52 SE
Chaska, MN 55823
Ph. 507-867-1868



[illegible]

NOTE. Persons allowed should be limited to only those in the N-1 District (those living in the N-1 District) as well as the Peak Hour Distribution with a percentage of interested trip makers. The percentage of Transportation Reference sources (TRT) Trip Generation Manual should be permitted should be further limited to those in the N-1 District. There should be a typical trip generation rate of 125 trips / acre or less. The trip generation rate for the proposed site development should be less than 125 trips / acre.



GENERAL

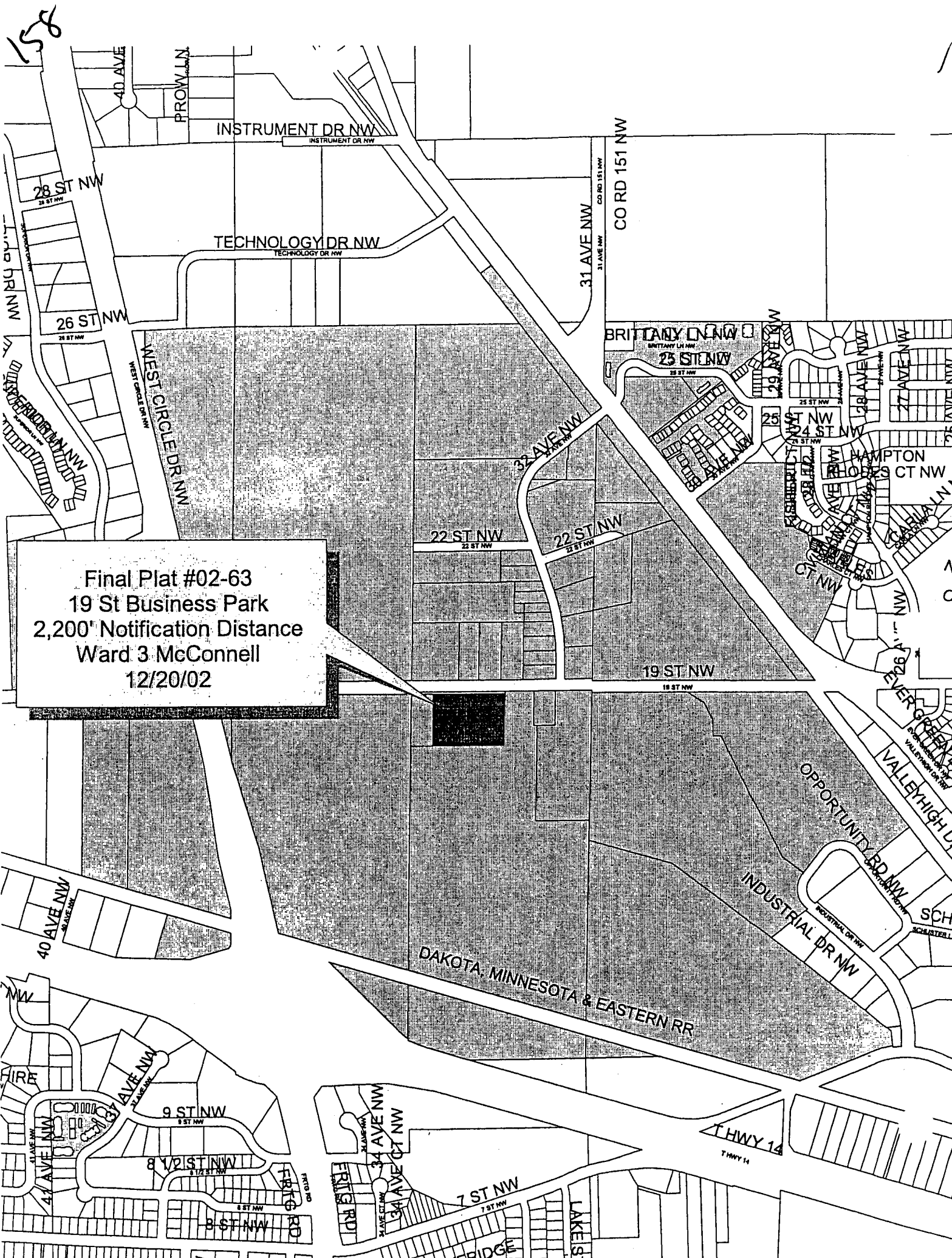
**BANK, LLC
SHERIFFS
WOCKELSTER, MINNESOTA
55001
612-895-7664**

Betts, Inc.

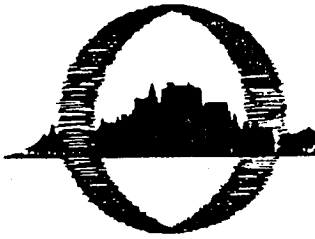


McGhie

[illegible]



Final Plat #02-63
19 St Business Park
2,200' Notification Distance
Ward 3 McConnell
12/20/02



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: Rochester Common Council

FROM: Theresa Fogarty, Planner

DATE: January 2, 2003

RE: Final Plat #02-63 to be known as 19th Street Business Park by 19th Street Business Park, LLC. The Plat proposes to subdivide approximately 4.40 acres into 3 lots for commercial development. The property is located along the south side of 19th Street NW, east of West Circle Drive and west of Rochester Athletic Club.

Planning Department Review:

Applicant/Owner:

19th Street Business Park, LLC
3131 East River Road NE
Rochester, MN 55906

Surveyors/Engineers:

GGG Engineering
14070 Highway 52 SE
Chatfield, MN 55923

Referral Comments:

1. Rochester Public Works Department
2. Rochester Public Utilities – Water Division
3. Planning Department – Addressing

Report Attachments:

1. Referral Comments (3 Letters)
2. Copy of Final Plat
3. Location Map
4. Approved General Development Plan

Plat Data:

Location of Property:

This plat is located along the south side of 19th Street NW, east of West Circle Drive and west of the Rochester Athletic Club.

Zoning:

The property is zoned M-1 (Mixed Commercial Industrial) district on the City of Rochester Zoning Map.

Proposed Development:

The Plat proposes to subdivide approximately 4.40 acres into 3 lots for commercial development.



Roadways:

There are no new roadways being dedicated with this plat.

The private roadway within this plat may need to be given a designation at the time of addressing to better enhance addressing of the plat. The developer shall coordinate the roadway naming with GIS staff to prevent the duplication of designation within this postal area, and so Emergency Responders can be kept informed.

Pedestrian Facilities:

There is an existing pedestrian path along 19th Street NW. A City-Owner Contract has been executed and addresses the owner's obligations toward the pedestrian path.

Wetlands:

Minnesota Statutes now require that all developments be reviewed for the presence of wetlands or hydric soils. The issue of wetlands were addressed through the Site Development Plan review process and all wetland issues have been satisfied, as reported by Planning Department Wetland staff.

Drainage:

Grading and drainage plans for the development of each lot will be determined at the time of Site Plan Development Review.

Public Utilities:

A City-Owner Contract has been executed for the extension of public sanitary sewer and watermain to serve this property.

Stormwater Management is required and will be addressed through the Site Development Plan application review for individual lot development.

Grading Plan approval will be required at the time of individual lot development, if grading will involve movement of more than 50 cubic yards of material.

Final utility plans for Lots 1 and 3, Block 1 have been approved. There are currently no approved plans to serve Lot 3, Block 1.

Spillover Parking:

Parking for the development of each lot will be determined at the time of Site Plan Development Review.

Parkland Dedication:

The property will not be used for residential development, therefore there are no parkland dedication requirements.

General Development:

This property is located within the approved B & N Properties General Development.

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Page 3
Final Plat #02-63
19th Street Business Park
January 2, 2003

Preliminary Plat:

According to Section 61.221 of the Land Development Manual "A subdivision in which all proposed lots front on a platted or dedicated street right-of-way and no major changes to the right-of-way are proposed may be exempted from the requirements of this paragraph (Land Subdivision Permit).

Planning Staff Review and Recommendation:

The Planning Staff has reviewed the submitted final plat in accordance with the Rochester Zoning Ordinance and Land Development Manual, Section 61.225 and would recommend approval subject to the following conditions:

1. *The applicant shall coordinate with the Planning Department – Addressing Staff, the roadway naming of the private roadway within this plat, at the time of addressing to prevent duplication of roadway designation within this postal area.*

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 12/30/02

The Department of Public Works has reviewed the application for Final Plat #02-63, for 19th St Business Park. The following are Public Works comments on this request:

1. A City-Owner Contract has been executed for the extension of public sanitary sewer & watermain to serve this property.
 2. Stormwater Management is required and will be addressed through SDP application review for individual lot development.
 3. Grading plan approval will be required at the time of individual lot development, if grading will involve movement of more than 50 cu.yds of material
- ❖ Development related charges for this property have been included in the City-Owner Contract J5052, with the exception of Storm Water Management Charges applicable to the development of Lots 1 & 3. Storm Water Management Charges for these lots will be addressed through Site Development Plan application review, at the time of individual lot development.



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December 24, 2002

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Final Plat #02-63 by 19th Street Business Park, LLC to be known as 19th Street Business Park.

Dear Ms. Garness:

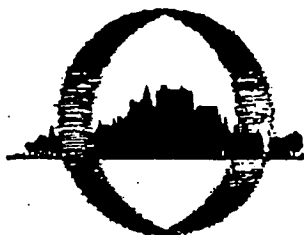
Our review of the referenced final plat is complete and we have no objections. The final utility plans for Lots 1 and 2, Block 1 have been approved. There currently are no approved plans to serve Lot 3, Block 1.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention



COUNTY OF
Olmsted



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE: December 26, 2002

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC:

RE: 19TH STREET BUSINESS PARK

A review of the final plat has turned up the following ADDRESS or ROADWAY related issues:

1. Upon review of 19TH STREET BUSINESS PARK the GIS / Addressing staff has found no issues to bring forth at this time.
2. The private roadway in this plat may need to be given a designation at the time of addressing to better enhance addressing of the plat. Coordinate the roadway naming with our staff so duplication of designation doesn't occur in this postal area, and so we can keep Emergency Responders informed.

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 01-06-03

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AGENDA SECTION: BLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-6
ITEM DESCRIPTION: Vacation Petition #02-19 by Darwin Friedrich to vacate the north 7 feet of the 10 foot wide utility easement on the south end of Lots 1 and 2, Block 1, Western First Replat. The property is located along the south side of 43 rd Street NW and west of 18 th Avenue NW and east of 42 nd Street NW.		PREPARED BY: Theresa Fogarty, Planner

December 27, 2002

Planning Department Recommendation:

See attached staff report dated December 27, 2002

Council Action Needed:

1. Following the hearing, if the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution to approve the vacation petition as submitted.

Attachments:

1. Staff Report dated December 27, 2002.

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney: Copy of legal description is attached
4. Planning Department File
5. Applicant: This item will be considered by the Council sometime after 7:00 p.m. on Monday, January 6, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

WESTERN 1st REPEAT

ires _____

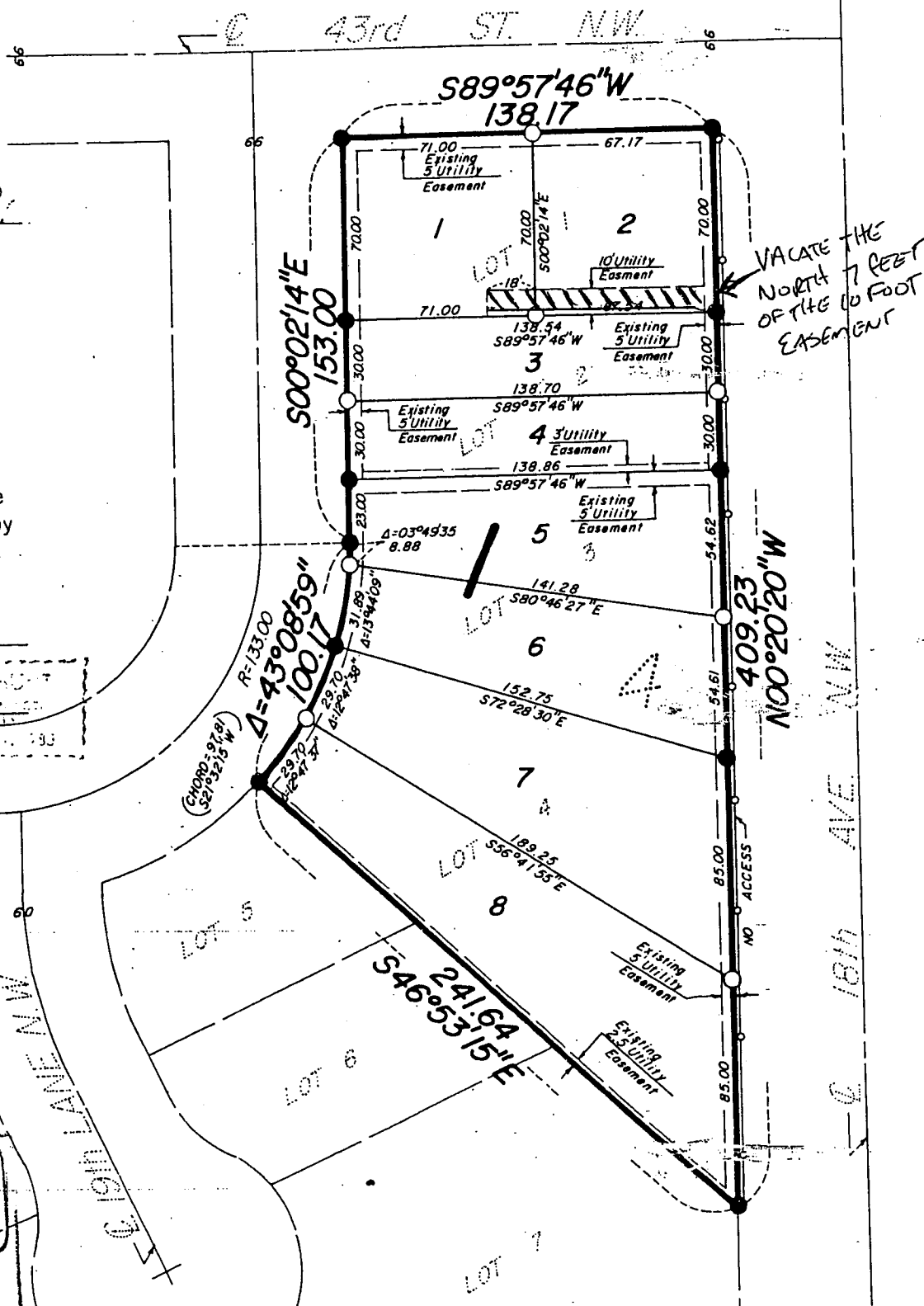
rie

ie

isted County; Minnesota

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RECEIVED
DEC - 4 2002
REQUESTER OLMSTED

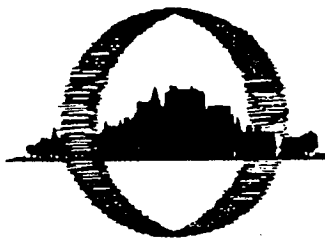


Vacation #02-19
 Darwin Friedrich
 200' Notification Distance
 Ward 3 McConnell
 12/17/02

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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



COUNTY OF
Olmsted



TO: City Council

FROM: Theresa Fogarty, Planner

DATE: December 27, 2002

RE: Utility Easement Vacation Petition #02-19 by Darwin Friedrich to vacate the north 7 feet of the 10 foot wide utility easement on the south ends of Lots 1 and 2, Block 1 Western First Replat. The property is located along the south side of 43rd Street NW and west of 18th Avenue NW and east of 42nd Street NW.

Planning Department Review:

Petitioner(s):

Darwin Friedrich
2315 NW 75th Street
Rochester, MN 55901

Engineer/Surveyor:

Not applicable.

Reason to Vacate:

In August of 1979 a garage was constructed encroaching into the easement.

Referral Comments:

No objections were received from the referral agencies

Report Attachments:

1. Vacation Petition
2. Location Map

Staff Recommendation:

Upon review of this request and the referral agencies having no objections, staff recommends approval of vacating north 7 feet of the 10 foot wide utility easement on the south ends of Lots 1 and 2, Block 1 Western First Replat.



REQUEST FOR COUNCIL ACTION

MEETING
DATE: 01-06-03

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-7
ITEM DESCRIPTION: Annexation #02-24 by Bamber Valley Development, LLC to annex approximately 59.13 acres of land. The property is in part of the East ½ of Section 8, Rochester Township. The property is located along the north side of Salem Road SW (CR 25) and along the east side of Westhill Drive SW.		PREPARED BY: Theresa Fogarty, Planner

December 26, 2002

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission reviewed this annexation request on December 11, 2002. The Commission found that this property is adjacent to the city limits and can be served by City services. The Planning Commission therefore recommends approval of this request.

Ms. Weisner moved to recommend approval of Annexation Petition #02-24 by Bamber Valley Development, LLC. Mr. Burke seconded the motion. The motion carried 8-0.

Planning Department Recommendation:

See attached staff report, dated December 4, 2002.

Minnesota Statutes now specify that the property taxes payable in the year an annexation is effective shall be paid to the Township. For the five years following the annexation, the City must make a cash payment to the Township equaling 90%, 70%, 50%, 30% and 10% of the Townships share of the taxes in the year the property was annexed. The Township Taxes on this property for 2001 is \$163.20.

Council Action Needed:

1. Following the public hearing, if the Council wishes to proceed as petitioned, it should instruct the City Attorney to prepare an ordinance to be adopted and transmitted to the MN Planning /Office of Strategic and Long Range Planning.

Attachments

1. Staff report, dated December 4, 2002.
2. Draft copy of the minutes of the December 11, 2002 CPZC meeting.

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney: Legal Description Attached
4. City Finance Director: Tax Information Attached
5. Planning Department File
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, January 6, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
7. McGhie & Betts, Inc.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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ANNEXATION EXHIBIT

DESCRIPTION:
SEE ATTACHED



SCALE 1" = 600'

NW COR
NW 1/4
SEC 9-106-14

AREA TO BE ANNEXED
±59.13 ACRES

CENTER SEC. 8
106-14

SALEM RD SW

SALEM
ROAD
COVENANT
CHURCH

34 AVE SW

SALEM LN SW

EXISTING
CITY LIMITS

NOTLY R/W LINE



FOR :
RC PROPERTIES &
BAMBER VALLEY FARMS
PARTNERSHIP

Land Surveying
Urban-Land
Planning
Consulting - Civil
Engineering

McGhie

Geotechnical
Engineering
Construction Material
Testing
Landscape
Architecture

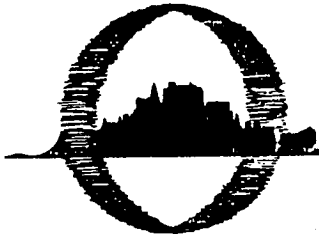
1640 Third Avenue S.E.

SCALE: 1" = 600'

DRAWN BY: JJJ

DATE: 05/10/02

ACCT. NO.: 1112A/2009 Cadd No. 2009A10



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE: December 4, 2002

RE: Annexation Petition #02-24 by Bamber Valley Development, LLC to annex approximately 59.13 acres of land. The property is in part of the East ½ of Section 8, Rochester Township. The property is located along the north side of Salem Road SW (CR 25) and along the east side of Westhill Drive SW.

Planning Department Review:

Applicants/Owners:

Bamber Valley Development, LLC
4410 NW 19th Street
Rochester, MN 55901

Architect/Engineer:

McGhie & Betts, Inc.
1648 Third Avenue SE
Rochester, MN 55904

Location of Property:

The property is located along the north side of Salem Road SW (CR 25) and along the east side of Westhill Drive SW.

Existing Land Use:

This property is currently undeveloped land.

Size:

The property proposed for annexation is approximately 59.13 acres of unplatted land.

Existing Zoning:

The property is zoned A-3 (Agricultural) District on the Olmsted County zoning map.

Future Zoning:

Upon annexation, the property will be zoned R-1 (Mixed Single Family Residential) district on the Rochester zoning map.

Land Use Plan:

This property is designated for "low density residential" uses on the Rochester Urban Service Area Land Use Plan.

Adjacency to the Municipal Limits:

The property is adjacent to the city limits along the southern and eastern boundaries.



Sewer & Water:

This area is within the Main Level Water System Area, which is currently available south of the intersection of Salem Road and 34th Avenue SW.

Municipal sewer & water are not currently available, but can be extended to serve this property, subject to City Council approval of Contribution Agreements from the benefited property owner.

Utilities:

Pursuant to Minnesota Statutes 414.033 (subd. 13), a municipality must notify a petitioner that the cost of electric utility service may change if the land is annexed to the municipality. A notice has been provided to the applicant.

Townboard Review:

Minnesota State Statutes require that the Townboard members receive a written notice, by certified mail, 30 days prior to the public hearing. The City Council will hold a public hearing on this item on January 6, 2003. The City Clerk has sent the certified 30 day notice.

Referral Comments:

1. Rochester Public Utilities - Water Division
2. Rochester Public Works Department
3. MN Department of Transportation
4. Olmsted County Environmental Services
5. Qwest Telephone

Report Attachments:

1. Annexation Map / Location Map
2. Referral Comments (5 letters)

Staff Recommendation:

This property is adjacent to the City limits and can be served by city water services upon extension of the water lines from their present ends. The Planning staff recommends that the City proceed to adopt an ordinance annexing the property according to Minnesota Statutes 414.033, Subdivision 2(3).



September 23, 2002

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Annexation Petition #02-²⁴~~22~~ by RC Properties and Bamber Valley Farms Partnership to annex 59.13 acres of land located north of Salem Road SW and east of Westhill Dr. SW.

Dear Ms. Garness:

Our review of the referenced petition is complete and our comments follow:

1. The property may be subject to the water availability fee, connection fees or assessments. The Land Development Manager (507-281-6198) at the Public Works Department determines the applicability of these fees.
2. This area is within the Main Level Water System Area, which is currently available south of the intersection of Salem Road and 34th Ave. SW.
3. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
RC Properties
Bamber Valley Farms Partnership
McGhie & Betts, Inc.

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

Date: 12/2/02

The Department of Public Works has reviewed the requested application for Annexation #02-24 (re-submittal of ANNEX#02-22 on the Bamber Valley Development, LLC (p/o E ½ Sect 8, Rochester Township)). The following are Public Works comments on the proposal:

1. Municipal sewer & water are not currently available, but can be extended to serve this property. , subject to City Council approval of Contribution Agreements from the benefited property Owners.

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Minnesota Department of Transportation

Minnesota Department of Transportation - District 6
Mail Stop 060
2900 48th Street N.W.
Rochester, MN 55901-5848

Office Tel: 507-280-2913
Fax: 507-285-7355
E-mail: dale.maul@dot.state.mn.us

September 24, 2002

Jennifer Garness
Rochester-Olmsted Planning Department
2122 Campus Drive SE – Suite 100
Rochester, MN 55904

RE: Annexation Petition #02-²⁴~~22~~ by RC Properties and Bamber Valley Farms Partnership to annex approximately 59.13 acres of land. The property is part of the East ½ of Section 8, Rochester Township.

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) will comment on the above annexation once a development proposal has been submitted. Mn/DOT appreciates reviewing this annexation and looks forward to reviewing the proposed use.

Thank you for keeping Mn/DOT informed. You may contact Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777 for any questions you have.

Sincerely,

A handwritten signature in cursive script that reads 'Dale E. Maul'.

Dale E. Maul
Planning Director

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Garness Jennifer

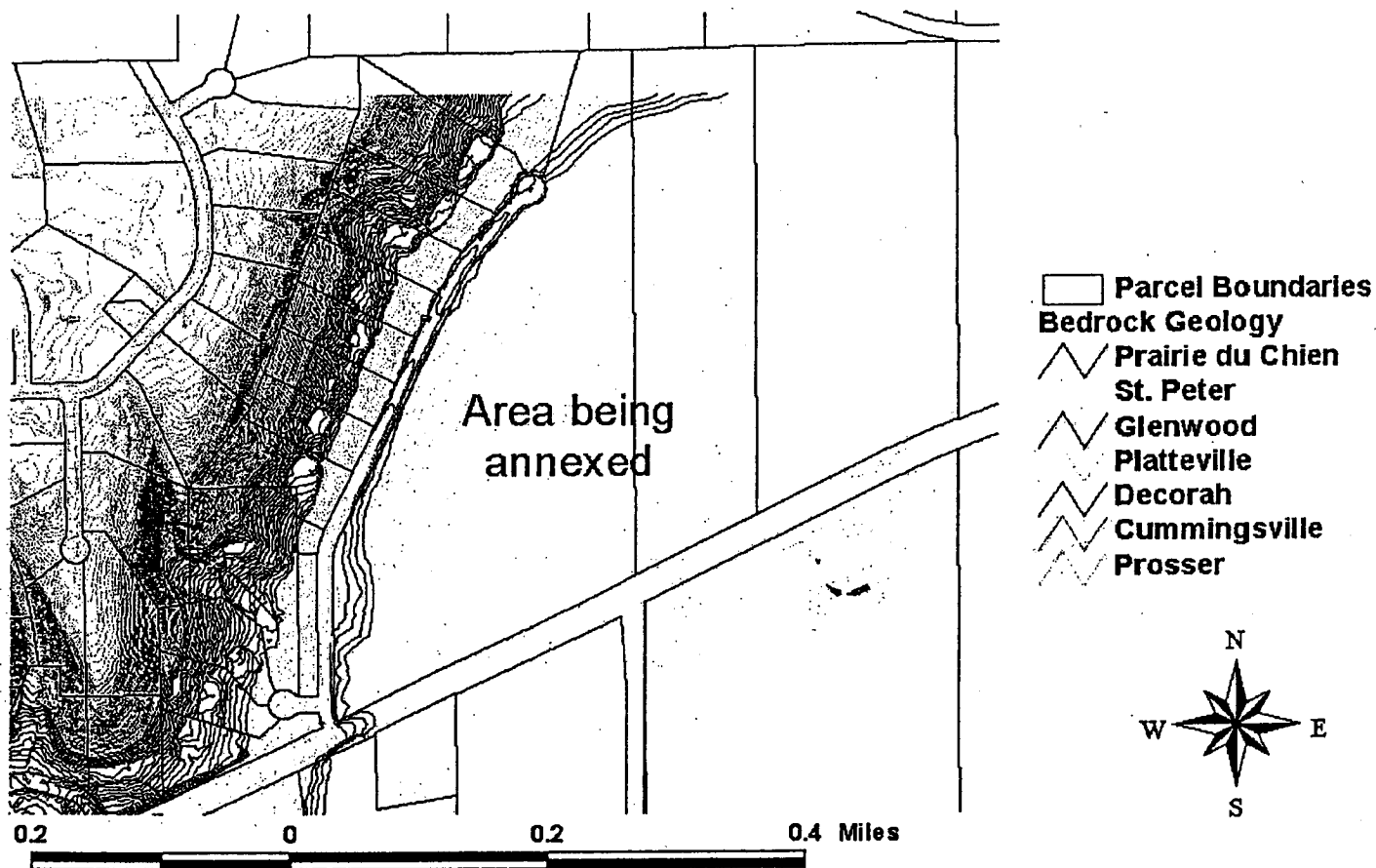
From: Lee Terry
Sent: Thursday, September 26, 2002 5:17 PM
To: Garness Jennifer
Cc: Ron Boose (E-mail); Broberg Jeff (w) (E-mail); Rochester Area Association of Realtors (E-mail); Rochester Area Builders (E-mail); Huberty Barb (E-mail); Hensel Joe (E-mail); Harford John
Subject: Annexation Petition #02-22²⁴ by R.C. Properties and Bamber Valley Farms Partnership in Rochester Township, Section 8



ap #02-22²⁴
rochester 8.jpg

Based on the bedrock geology information available from the Olmsted County Geological Atlas and from construction logs for nearby wells, the Decorah Edge hydrogeologic setting is not present on the site of Annexation Petition #02-22 by R.C. Properties and Bamber Valley Farms Partnership in Rochester Township, Section 8 (see attached map).

Bedrock Geology in the Area of Annexation Petition #02-22²⁴ Rochester Twsp, Section 8



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/

Garness Jennifer

From: Felsch, Lyle [lfelsch@ci.rochester.mn.us]

Sent: Friday, September 27, 2002 4:07 PM

To: Jennifer Garness (E-mail)

Cc: Donn Richardson (E-mail)

Subject: Revised GDP#01-132, and Annex 02-²⁴~~22~~, Vac. Pet 02-14, 02-12 and Appeal #02-05

I have no additional comments on the above noted requests and also on revised GDP 01-132 by Hartman Farms beyond my memo of August 21.

Lyle Felsch
Rochester Fire Dept.
507-287-1966

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ROCHESTER-OLMSTED PLANNING DEPARTMENT
2122 CAMPUS DRIVE SE - SUITE 100
ROCHESTER, MN 55904
PHONE (507) 285-8232
FAX (507) 287-2275

Date: September 18, 2002

To: Agencies Indicated Below

From: Jennifer Garness, Planning Department

Subject: Annexation Petition #02-~~52~~³⁴ by R C Properties and Bamber Valley Farms Partnership to annex approximately 59.13 acres of land. The property is in part of the East 1/2 of Section 8, Rochester Township. The property is located along the north side of Salem Road SW (CR 25) and along the east side of Westhill Drive SW.

This application is scheduled for consideration by the City Planning and Zoning Commission on October 9, 2002, in the Council/Board Chambers of the Government Center, 151 4th Street SE. In order for the Planning Department to prepare a thorough review of this application, we would appreciate receiving your comments by **September 27, 2002**. You may also appear at the meeting if you so desire. Your cooperation and assistance is greatly appreciated. *If you have comments, in addition to forwarding them to the Planning Department, please send a copy to:*

RC Properties
PO Box 143
Kasson MN 55944

Bamber Valley Farms Partnership
1530 SW Greenview Drive
Rochester MN 55902

McGhie & Betts, Inc.
1648 Third Ave SE
Rochester MN 55904
(507) 289-3919

City Agencies

1. Public Works
Richard Freese
2. Fire Department
Lyle Felsch
3. Crime Prevention
Darrel Hildebrandt, Gov. Center
4. Crime Prevention
Steve Woslager
5. RPU Operations Division
Mike Engle
6. RPU Water Division
Donn Richardson
7. Park & Recreation
Denny Stotz
8. Building Safety
Ron Boose
9. City Attorney
Dave Goslee
10. Downtown Dev. Dist.
Doug Knott
11. City Administration
Terry Spaeth
12. Susan Waughtal
Neighborhood Organizer
13. Transportation Planner
Charlie Reiter
14. John Harford, Planning Dept.

County Agencies

15. Health Department
Rich Peter
16. Public Works
17. GIS Division
Randy Growden
18. Environmental Resource
Services

Other Agencies

19. School Board
Jeff Kappers
20. Aquila
Neal Clausen
21. Aquila
Rory Lenton
22. Qwest *Val*
Don Kendall
23. Charter Communications
24. MN DOT
Dale Maul
25. Post Office
Supervisor
26. MN DNR
Bob Bezek
27. SWCD
28. Peoples Coop
Rick Wellik
29. Peoples Coop
Sandy Sturgis
30. Township Officers
(for annexations only)
31. CUDE, Design Review Committee
Christine Schultze
32. MSHA
William Owen
(ONLY for mining, quarrying, sand & gravel operations)

*Qwest does not
object. However
if cable needs to
be moved/relocated
charges will be
billed to prop
owner -*

*Val Whitwell
285-3634*

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/

MINUTES OF THE
CITY OF ROCHESTER PLANNING COMMISSION
2122 CAMPUS DRIVE SE – SUITE 100
ROCHESTER MN 55904

Minutes of the regularly scheduled meeting of the City Planning and Zoning Commission held on Wednesday, December 11, 2002, at 7:00 p.m. in the Council/Board Chambers of the Government Center, 151 4th Street SE, Rochester, MN.

Members Present: Mr. Randy Staver, Chair; Ms. Lisa Wiesner, Vice Chair; Ms. Mary Petersson; Ms. Leslie Rivas; Mr. Michael Quinn; Mr. James Burke; Mr. Robert Haeussinger; and Mr. Paul Ohly

Members Absent: Mr. John Hodgson

Staff Present: Mr. Brent Svenby; Mr. John Harford; and Ms. Jennifer Garness

Other City Staff Present: Ms. Pat Alfredson, City Attorney

ADMINISTRATIVE BUSINESS:

Ms. Petersson made a motion to approve the minutes of December 11, 2002, as written. Ms. Wiesner seconded the motion. The minutes from December 11, 2002 were approved unanimously.

Mr. Staver noted that General Development Plan #194, Zoning District Amendment #02-14, Land Use Plan Amendment #02-06, Zoning District Amendment #02-15, and General Development Plan #195 have all been requested to be tabled. Therefore, no testimony would be heard.

Mr. Haeussinger made a motion to approve the agenda, as written. Ms. Petersson seconded the motion. The motion carried unanimously.

ANNEXATION:

* **Annexation Petition #02-24 by Bamber Valley Development, LLC to annex approximately 59.13 acres of land. The property is in part of the East ½ of Section 8, Rochester Township. The property is located along the north side of Salem Road SW (CR 25) and along the east side of Westhill Drive SW.**

Mr. Brent Svenby presented the staff report, dated December 4, 2002, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Wiesner moved to recommend approval of Annexation Petition #02-24 by Bamber Valley Development, LLC. Mr. Burke seconded the motion. The motion carried 8-0.

RIGHT-OF-WAY VACATION:

Vacation Petition #02-15, by David T. Bishop Trust & Beatrice T. Bishop Trust, to vacate Public Right-of-Way. The applicant is requesting to vacate the public road right-of-way located adjacent to a part of Lots 10 and 11 and all of Lots 12, 13 and 14 of Block 31,

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 01/06/03

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AGENDA SECTION:

PUBLIC HEARINGS

ORIGINATING DEPT:

Public Works

ITEM NO.

E-8

ITEM DESCRIPTION: PROJECT HEARING: (J7218)

Curb, Gutter & Overlay on 15th Street SE from 6th Ave to 10th Ave SE

PREPARED BY:R. Kelm *RK*

This is a Hearing to consider the following local improvement project:

Project:

City Project No. 6215-3-02 (J7218)

Curb, Gutter & Overlay on 15th Street SE from 6th Ave to 10th Ave SE

Project Background15th Street SE was constructed with bituminous curb in 1964.

A petition for said project was referred to Public Works on October 30, 2002.

An informational meeting was held with the abutting property owners on November 21, 2002.

Their support for a rehabilitation project resulted in this project hearing.

Estimated Project Costs

	Feasibility Cost
Construction:	
2200 Bituminous Pavement Rehab w/pci 0-59	\$178,600.00
8307 Sidewalk Replacement	\$3,900.00
Storm Sewer Repairs/Upgrades	\$9,600.00
Sub Total	\$192,100.00
Engineering, Interest, Contingencies 12%	\$23,052.00
TOTAL	\$215,152.00

Project Cost Distribution

Distribution:	
Special Assessments - Frontage	\$25,833.29
Special Assessments - Sidewalk	
8307 Sidewalk Replacement	\$4,368.00
2200 Bituminous Pavement Rehab w/pci 0-59	\$174,198.71
Storm Sewer Repairs/Upgrades	\$10,752.00
TOTAL	\$215,152.00

Distribution Percentages:	
Special Assessments	12.01%
City Street Share	87.99%
TOTAL	100.0%

Assessment Period

All special assessments may be levied for a period of ten years with interest charged at a rate of 7.5% annually on the unpaid balance, or they may be paid in full when levied.

COUNCIL ACTION REQUESTED:

Adopt the resolution ordering the project to be made.

Attach: Feasibility Report, Petition

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REPORT ON THE FEASIBILITY OF A PROPOSED
LOCAL IMPROVEMENT PROJECT FOR:
CURB, GUTTER & OVERLAY ON 15TH STREET SE
FROM 6TH AVE TO 10TH AVE SE

December 9, 2002

Honorable Mayor & Common Council
City of Rochester, Minnesota

A resolution proposing certain petition requesting the following project:
Curb, Gutter & Overlay on 15th Street SE from 6th Ave to 10th Ave SE, was referred to the
Public Works Department on October 30, 2002 for preparation of the Engineers
Feasibility Report.

Feasibility Report

We report the project is feasible and recommend its construction in the year 2003 based
on the current condition of the street and participation by the abutting property owners.

The existing street was constructed with bituminous curb in 1964.

We recommend that the project be constructed and funded in accordance with the City's
Comprehensive Pavement Management Strategy (CPMS). The CPMS is an objective,
cost-effective program for the preservation, rehabilitation and reconstruction of the City's
infrastructure. The most cost-effective strategy at this time for this street is rehabilitation.

Work typically will include the following

1. Removal of existing edges of the roadway and gravel base, boulevard sod
2. Construction of concrete curb and gutter, and driveway aprons
3. Resurfacing of the entire street with bituminous asphalt.
4. Sidewalk sections reviewed for replacement.
5. Boulevard areas re-sodded.

This report and the estimated costs for the project are prepared without the benefit of field
surveys, soils boring or completed plans and specifications:

	Feasibility Cost
Construction:	
2200 Bituminous Pavement Rehab w/pci 0-59	\$178,600.00
8307 Sidewalk Replacement	\$3,900.00
Storm Sewer Repairs/Upgrades	\$9,600.00
Sub Total	\$192,100.00
Engineering, Interest, Contingencies 12%	\$23,052.00
TOTAL	\$215,152.00

183

Assessment Distribution:

The cost of street rehabilitation, as established by City Council Policy, for the year 2003 will be used for this project as follows:

Residential Zones \$16.73 per assessable foot

Commercial Zones..... \$25.10 per assessable foot

Residential corner lot assessments are based on the length of the short side of the lot plus any length greater than 120 feet on the long side if the long side is reconstructed.

Curb Gutter Overlay Rates	Year 2003	feet	Total Cost
Residential Zones	\$16.73	1,544.13	\$25,833.29
Commercial Zones	\$25.10		
Subtotal			\$25,833.29

Replacement sidewalk is assessed by the square foot of sidewalk replaced and is assessed directly to the abutting property owner at the following rates:

4" Sidewalk (residential)\$5.58 per square foot

5" Sidewalk (commercial).....\$6.41 per square foot

6" Sidewalk (at residential drive approaches).....\$7.26 per square foot

7" Sidewalk (at commercial drive approaches).....\$7.81 per square foot

6" Conc. Drive Approach (residential).....\$33.45 per square yard

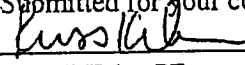
Residential corner lot sidewalk assessments are based on the replacement length of the short side of the lot plus half the quantity on long side if the long side is replaced. The long side credit reflects the half dollar amount for all long side quantities.

Sidewalks	2003 sq. ft	sq. ft	Total Cost
4" Sidewalk (residential)	\$5.58		
5" Sidewalk (commercial)	\$6.41		
6" Sidewalk (at residential drive approaches)	\$7.26		
7" Sidewalk (at commercial drive approaches)	\$7.81		
Subtotal			
credit for long side			
Subtotal			

Project Distribution:

Special Assessments - Frontage	\$25,833.29
Special Assessments - Sidewalk	
8307 Sidewalk Replacement	\$4,368.00
2200 Bituminous Pavement Rehab w/pci 0-59	\$174,198.71
Storm Sewer Repairs/Upgrades	\$10,752.00
TOTAL	\$215,152.00

Submitted for your consideration:

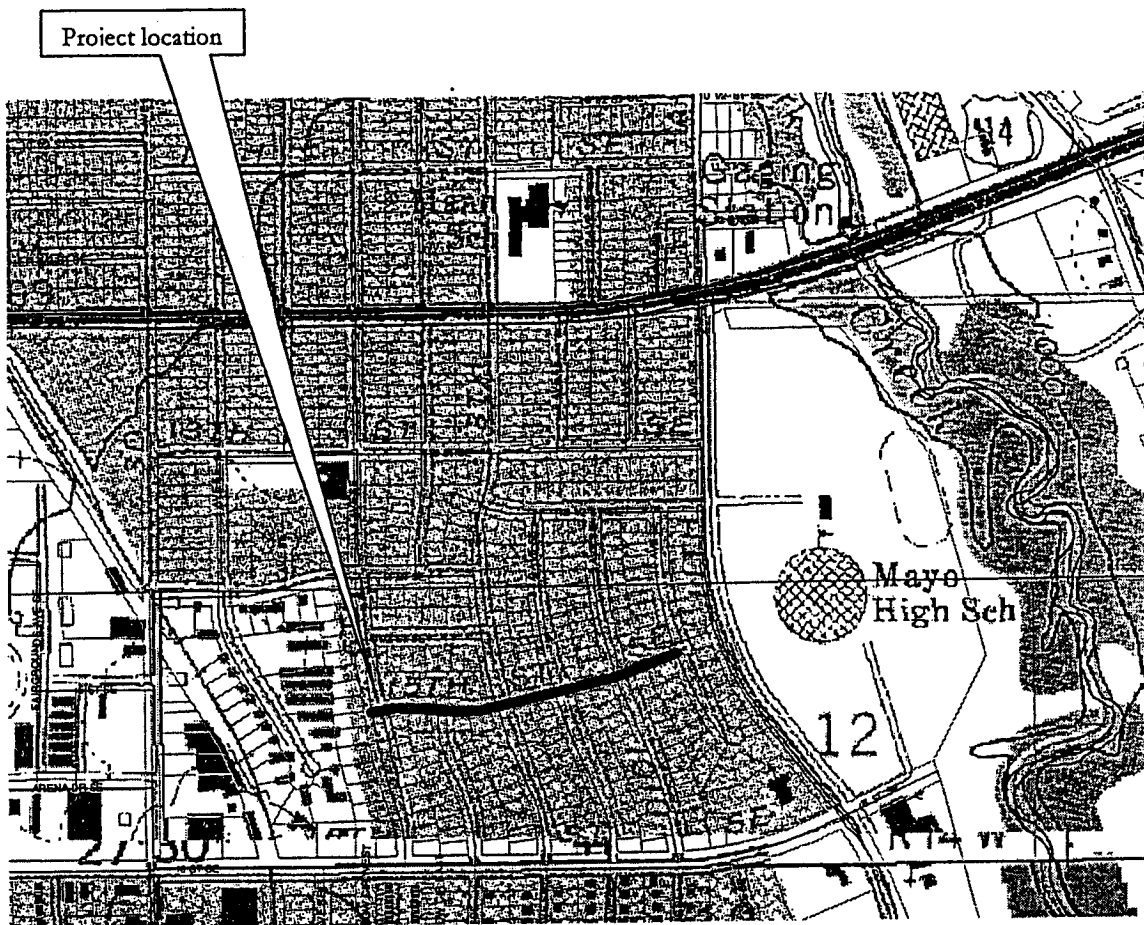


Russell Kelm, PE
Design Engineer

Douglas Nelson, PE
Engineering Manager

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Curb, Gutter & Overlay on 15th Street SE from 6th Ave to 10th Ave SE



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BUDGET AND ASSESSMENT SCHEDULE
FOR CONSTRUCTION CONTRACT

Project No:	6307-2-02	Date:	November 22, 2002
J No:	7218		
Description:	Curb, Gutter & Overlay on 15th Street SE from 6th Ave to 10th Ave SE		

	Feasibility Cost	Engineer Estimate Cost	Contract Cost	Final Cost
Construction:				
2200 Bituminous Pavement Rehab w/pci 0-59	\$178,600.00			
8307 Sidewalk Replacement	\$3,900.00			
Storm Sewer Repairs/Upgrades	\$9,600.00			
Sub Total	\$192,100.00			
Engineering, Interest, Contingencies 12%	\$23,052.00			
TOTAL	\$215,152.00			

Distribution:				
Special Assessments - Frontage	\$25,833.29			
Special Assessments - Sidewalk				
8307 Sidewalk Replacement	\$4,368.00			
2200 Bituminous Pavement Rehab w/pci 0-59	\$174,198.71			
Storm Sewer Repairs/Upgrades	\$10,752.00			
TOTAL	\$215,152.00			

Distribution Percentages:				
Special Assessments	12.01%			
City Street Share	87.99%			
TOTAL	100.0%			

Notes:

Make Initial Disbursement from

P. I. R. Fund

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Rec'd 10-30-02
Pk

PETITION FOR LOCAL IMPROVEMENT PROJECT

CITY OF ROCHESTER

We the undersigned owners of property in Meadow Park (subdivision) in Olmsted County, Minnesota, do hereby petition the Rochester City Council to construct the following local improvement project:

Circle type (Street Resurfacing) On 15th St SE
(Curb Gutter & Overlay)
(Street Reconstruction) (street name)
Commencing at: 10th Ave and Ending at: 10th Ave SE
(street name) (street name)

We are aware that as owners of property abutting this proposed local improvement project, we are subject to special assessment charges according to the City of Rochester's Comprehensive Pavement Management Program.

Name (please print)	Address	Signature
Vincent & Penny Gandy	820 15 th St. SE	Vincent & Penny Gandy
Robert K. Gandy	1463 8 th Ave SE	Robert K. Gandy
Roger Schmidt	715-15 th St. SE	Roger Schmidt
Phil Rothwell	703 15 th St S.E.	Phil Rothwell
Don Kieffer	623 15 th St SE	Don Kieffer
BART HAWKINSON	620 15 St SE	Bart Hawkins
Theodore W. Tiemeers	710 15 th St. S.E.	Theodore W. Tiemeers
Morton & Dianne	810 15 th St SE	GORDON E. DANFSE
Dallas & Betty Smith	858 15 th St. SE	Betty J. Smith
MICHAEL ZERWER	1502 9 th Ave SE	Michael Zerwer
Tom Honerich	907 15 th St. SE	Tom Honerich
Nendy Kriss	842 15 th St. SE	Nendy Kriss

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 01/06/03

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AGENDA SECTION:

PUBLIC HEARINGS

ORIGINATING DEPT:

Public Works

ITEM NO.

E-9

ITEM DESCRIPTION: ASSESSMENT HEARING: (J7218)

Curb, Gutter & Overlay on 15th Street SE from 6th Ave to 10th Ave SE

PREPARED BY:R. Kelm *dk*

This is a Hearing to consider the following local improvement project:

Project:

City Project No. 6215-3-02 (J7218)

Curb, Gutter & Overlay on 15th Street SE from 6th Ave to 10th Ave SE

Project Background15th Street SE was constructed with bituminous curb in 1964.

A petition for said project was referred to Public Works on October 30, 2002.

An informational meeting was held with the abutting property owners on November 21, 2002

Their support for a rehabilitation project resulted in this assessment hearing.

Estimated Project Costs

	Feasibility Cost
Construction:	
2200 Bituminous Pavement Rehab w/pci 0-59	\$178,600.00
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Sub Total	\$192,100.00
Engineering, Interest, Contingencies 12%	\$23,052.00
TOTAL	\$215,152.00

Project Cost Distribution

Distribution:	
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Storm Sewer Repairs/Upgrades	\$10,752.00
TOTAL	\$215,152.00

Distribution Percentages:	
Special Assessments	12.01%
City Street Share	87.99%
TOTAL	100.0%

Assessment Period

All special assessments may be levied for a period of ten years with interest charged at a rate of 7.5% annually on the unpaid balance, or they may be paid in full when levied.

COUNCIL ACTION REQUESTED:

Adopt the resolution levying the proposed assessments.

Attach: Feasibility Report, Petition

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REPORT ON THE FEASIBILITY OF A PROPOSED
LOCAL IMPROVEMENT PROJECT FOR:
CURB, GUTTER & OVERLAY ON 15TH STREET SE
FROM 6TH AVE TO 10TH AVE SE

December 9, 2002

Honorable Mayor & Common Council
City of Rochester, Minnesota

A resolution proposing certain petition requesting the following project:
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infrastructure. The most cost-effective strategy at this time for this street is rehabilitation.

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4. Sidewalk sections reviewed for replacement.
5. Boulevard areas re-sodded.

This report and the estimated costs for the project are prepared without the benefit of field
surveys, soils boring or completed plans and specifications:

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189/

Assessment Distribution:

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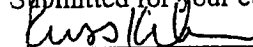
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Storm Sewer Repairs/Upgrades	\$10,752.00
TOTAL	\$215,152.00

Submitted for your consideration:

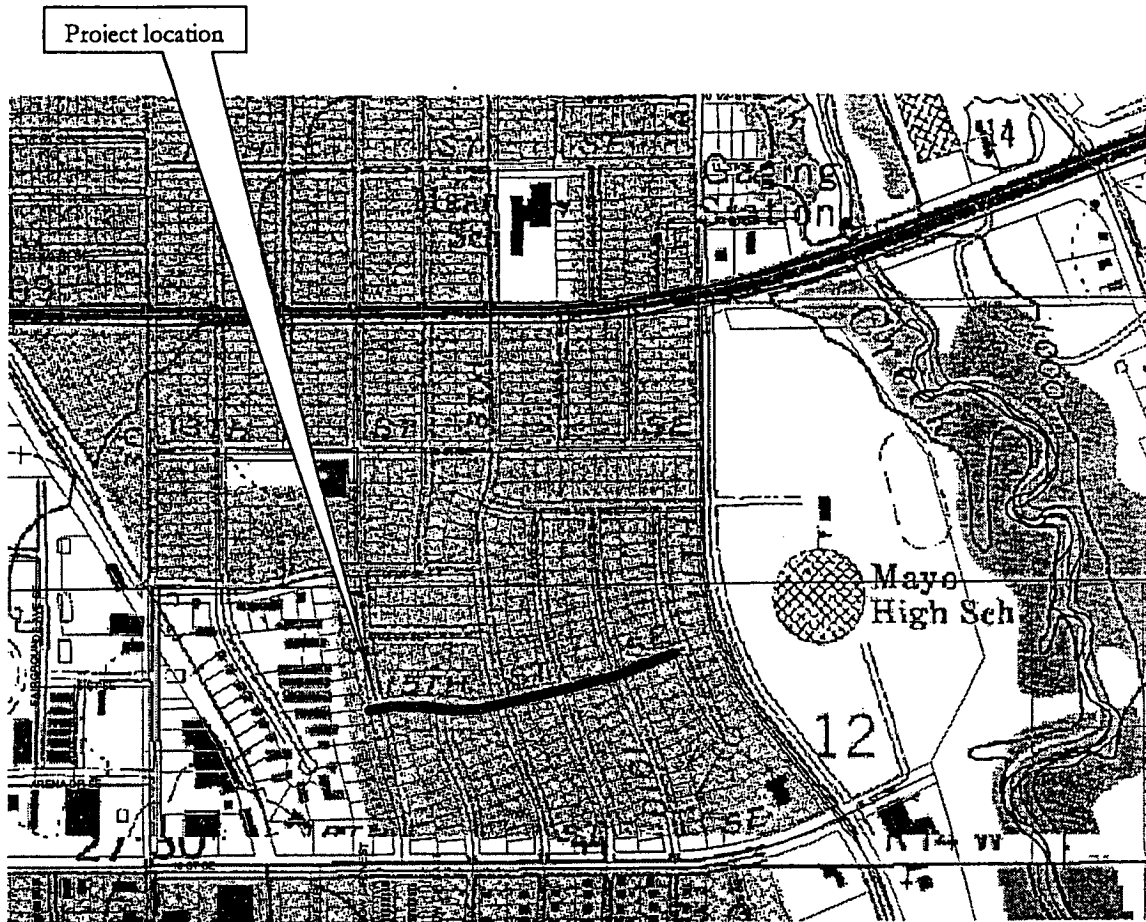


Russell Kelm, PE
Design Engineer

Douglas Nelson, PE
Engineering Manager

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Curb, Gutter & Overlay on 15th Street SE from 6th Ave to 10th Ave SE



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**BUDGET AND ASSESSMENT SCHEDULE
FOR CONSTRUCTION CONTRACT**

Project No:	6307-2-02	Date:	November 22, 2002
J No:	7218		
Description:	Curb, Gutter & Overlay on 15th Street SE from 6th Ave to 10th Ave SE		

	Feasibility Cost	Engineer Estimate Cost	Contract Cost	Final Cost
Construction:				
2200 Bituminous Pavement Rehab w/pcl 0-59	\$178,600.00			
8307 Sidewalk Replacement	\$3,900.00			
Storm Sewer Repairs/Upgrades	\$9,600.00			
Sub Total	\$192,100.00			
Engineering, Interest, Contingencies 12%	\$23,052.00			
TOTAL	\$215,152.00			

Distribution:				
Special Assessments - Frontage	\$25,833.29			
Special Assessments - Sidewalk				
8307 Sidewalk Replacement	\$4,368.00			
2200 Bituminous Pavement Rehab w/pcl 0-59	\$174,198.71			
Storm Sewer Repairs/Upgrades	\$10,752.00			
TOTAL	\$215,152.00			

Distribution Percentages:				
Special Assessments	12.01%			
City Street Share	87.99%			
TOTAL	100.0%			

Notes:

Make Initial Disbursement from

P. I. R. Fund

192

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 1/6/03

193/

AGENDA SECTION: RESOLUTIONS AND ORDINANCES	ORIGINATING DEPT: CITY ATTORNEY'S OFFICE	ITEM NO. G
ITEM DESCRIPTION: RESOLUTIONS AND ORDINANCES		PREPARED BY: TERRY ADKINS TA
<p>G. 1. RESOLUTIONS</p> <p>G. 2. FIRST READING OF ORDINANCES, as appropriate.</p> <p>a) An Ordinance Amending The Provisions Of Ordinance No. 3515 Which Provided For The Rezoning Of Approximately 15.31 Acres Of Land From The R-1 Zoning District To The B-4 Zoning District.</p> <p>G. 3. SECOND READING OF ORDINANCES (for adoption).</p> <p>a) An Ordinance Rezoning Certain Property From the R-1 Zoning District To The R-2 Zoning Districts and Amending Ordinance No. 2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota. Said property is located on the East Side of East Circle Drive; South of Viola Road NE; South side of the access roadway into Century Hills Development.</p> <p>V. MISCELLANEOUS</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

194

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/6/02

195,

AGENDA SECTION: Other Business	ORIGINATING DEPT: Administration	ITEM NO. I-1
ITEM DESCRIPTION: Appointment to 6 th Ward Councilmember Vacancy		PREPARED BY: S. KVENVOLD

Due to the election of 6th Ward Councilmember David Senjem to the State Legislature, a vacancy will occur in the 6th Ward until a special election is held to fill the vacancy.

The City Council has decided to appoint an individual as the 6th Ward Councilmember until a special election has been held to elect a Councilmember for the 6th Ward.

The individuals who have applied for the Council appointment for the interim position of 6th Ward Councilmember are:

David Benda
Charles Crawford
Curt Kephart
Sandra Means
Dallas Nelson
Tim Shea
Donald Vestweber

COUNCIL ACTION REQUESTED:

Request a motion appointing one of the above named individuals to the interim position of 6th Ward Councilmember.

****Candidate resumes' were transmitted to the Mayor and Council separately from the agenda.**

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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